

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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Public Hearing: An Ordinance Concerning Urban Animal Keeping Standards; and Amending Sections 9.2010, 9.2682, 9.2740, 9.3115, 9.3210, 9.3310, 9.3810, 9.3910, and 9.5250 of the Eugene Code, 1971, and Section 4.996 of that Code.  
(City File CA 12-2)

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Meeting Date: January 22, 2013  
Department: Planning & Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 3  
Staff Contact: Kristie Brown  
Contact Telephone Number: 541-682-6041

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## ISSUE STATEMENT

The City Council will hold a public hearing to consider land use code amendments related to urban animal keeping within the city limits.

## BACKGROUND

Last year, the City Council initiated code amendments related to the farm animal standards. The purpose of these code amendments is to allow for increased opportunities for residential urban farming, while addressing compatibility within the urban environment. These amendments are intended to promote elements of the City of Eugene Food Security Scoping and Resource Plan, Envision Eugene and the Climate and Energy Action Plan.

While farm animals are currently allowed in residential zones, these amendments are intended to increase the number of farm animals allowed in an urban setting, while still addressing neighborhood livability issues. Specifically, the amendments propose the following:

- Increase the number of allowed chickens, rabbits, and other fowl.
- Add an allowance for 2 miniature goats, 1 miniature pig and 2 beehives.
- Clarify and strengthen the requirements on sanitation, fencing, enclosures, and setbacks.
- Allow for harvesting of chickens, fowl, or rabbits on site.

The Food Security Scoping and Resource Plan and the animal keeping codes from a broad range of other cities were used as a basis to develop these amendments. From this work, a set of code concepts were identified and reviewed by several community stakeholders with expertise in the field. Based on this feedback, code language addressing the farm animal standards was drafted and the renaming of these standards to “urban animal keeping” was proposed to help clarify the intent. A summary of the proposed code language is provided as Attachment A.

Following initial public feedback, the formal public process began with a Planning Commission public hearing on December 11, 2012, where a total of thirteen people provided testimony. Subsequently, the Planning Commission conducted extensive deliberations, and voted 5-1 to

recommend approval of the land use code amendments with several modifications. The attached draft ordinance (Attachment B) represents the Planning Commission's recommendation. The Planning Commissions also suggested consideration of some form of notification to neighbors by people planning to keep honey bees. Attachment C provides the initial proposed code language prior to the Planning Commission recommendation. Further details regarding the Planning Commission's discussion, along with a complete set of record materials, are available for review in a binder located at the City Council Office and on line at [www.eugene-or.gov/farmanimals](http://www.eugene-or.gov/farmanimals).

Findings in support of the Planning Commission's recommendation for approval are included as Exhibit A to the ordinance (Attachment B).

### **RELATED CITY POLICIES**

Findings addressing consistency with related City policies, including provisions of the Metro Plan and applicable refinement plans, are included as an exhibit to the draft ordinance (Exhibit A of Attachment B). As noted above, these are also consistent with the City of Eugene Food Security Scoping and Resource Plan and support a strategy in Envision Eugene under the Climate Change and Energy Resiliency pillar and the Climate and Energy Action Plan.

### **COUNCIL OPTIONS**

No action is required at this time; however, options will be provided at the time of City Council deliberations and action scheduled for February 11, 2013.

### **CITY MANAGER'S RECOMMENDATION**

No recommendation or motion is suggested for the public hearing. A recommendation and suggested motion will be provided for the City Council deliberations and action scheduled for February 11, 2013.

### **ATTACHMENTS**

- A. Summary of Code Amendments
- B. Draft Ordinance & Findings as recommended by the Planning Commission
- C. Code Language as initially proposed by staff

As noted above, a complete set of record materials are available for review in a binder located at the City Council Office. This information is also available via [www.eugene-or.gov/farmanimals](http://www.eugene-or.gov/farmanimals).

### **FOR MORE INFORMATION**

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## Summary of Code Amendments

January 14, 2013

### Overall Goal of the Urban Animal Keeping Code Amendments

Revise the land-use code to allow increased opportunities for raising “micro-livestock” within the city limits. These amendments are intended to:

- Increase the number of farm animals allowed in an urban setting
- Promote and encourage compatibility within an urban environment
- Promote the City of Eugene Food Security Scoping and Resource Plan
- Supports a strategy in Envision Eugene under the Climate Change and Energy Resiliency pillar and the Climate and Energy Action Plan

Standard	Current Standard in Land Use Code	Planning Commission Recommendation
General Requirements	<ul style="list-style-type: none"> <li>• None required</li> </ul>	<ul style="list-style-type: none"> <li>• Require all persons keeping farm animals to reside on or adjacent to the development site on which the animals are kept, include exception for school &amp; church uses</li> </ul>
Farm Animals Allowed (Less than 20,000 sq. ft. development site)	<ul style="list-style-type: none"> <li>• Up to 2 adult rabbits or fowl over 6 months of age are allowed in R-1, R-1.5, R-2, R-3, &amp; R-4 zones</li> </ul>	<ul style="list-style-type: none"> <li>• Permitted outright in R-1, R-2, R-3, R-4, AG agricultural, and all special area zones which allow residential uses.</li> <li>• Any two of the following four categories would be allowed:               <ul style="list-style-type: none"> <li>• Up to 6 chickens over 6 months of age and up to 6 chickens under 6 months of age (No roosters, geese, peacocks, turkeys or other similar loud fowl)</li> <li>• Up to 6 rabbits over 6 months of age and up to 6 rabbits under 6 months of age</li> <li>• Up to 2 miniature goats, provided that the males are neutered</li> <li>• No more than 1 miniature pig up to 150 pounds</li> </ul> </li> <li>• Add allowance for up to 2 honey bee hives; with water source</li> </ul>
Farm Animals Allowed (20,000 sq. ft. or greater development site)	<p>The following are allowed in AG agricultural &amp; R-1 zones:</p> <ul style="list-style-type: none"> <li>• Rabbits and fowl (no limit)</li> <li>• Cows, horses, sheep, goats, emus, and llamas must meet minimum area requirement</li> </ul>	<ul style="list-style-type: none"> <li>• Permitted outright in R-1, R-2, AG agricultural, and all special area zones which allow residential uses</li> <li>• Chickens, rabbits and domestic fowl subject to the minimum area requirement</li> <li>• Up to 2 miniature goats provided that the males are neutered. Additional</li> </ul>

		<p>goats are allowed subject to the minimum area requirement</p> <ul style="list-style-type: none"> <li>• No more than 1 miniature pig up to 150 pounds</li> <li>• Cows, horses, sheep, goats, emus, alpacas, and llamas subject to the minimum area requirement</li> <li>• Up to 4 bee hives; with water source</li> </ul>
Sanitation	<ul style="list-style-type: none"> <li>• No accumulation of farm animal waste allowed.</li> <li>• No odors detectable beyond the property line.</li> <li>• Food must be stored in rodent-proof containers.</li> </ul>	<p>Clarify/strengthen requirements:</p> <ul style="list-style-type: none"> <li>• Add language regarding the purpose of the sanitation standards</li> <li>• Add language regarding location and enclosure of compost piles</li> <li>• Add language regarding disposal of animal waste</li> </ul>
Fencing	Shall be designed and constructed to confine farm animals to the owner's property	<p>Clarify/strengthen requirements:</p> <ul style="list-style-type: none"> <li>• Fencing is required</li> <li>• Fencing must meet applicable base &amp; overlay zone standards related to height and setback</li> </ul>
Enclosures	None required	<ul style="list-style-type: none"> <li>• Requires enclosure which provides shelter for all farm animals, which is roofed and at least two sided</li> <li>• Enclosure must meet applicable base &amp; overlay zone standards related to height and setback</li> </ul>
Required Setbacks	Structures that house farm animals are required to be located at least 25 feet from existing residences (except the animal owner's) and 10 feet from interior lot line.	<ul style="list-style-type: none"> <li>• Structures are required to be 15 feet from residences on adjacent lots</li> <li>• Structures must meet setback requirements of base &amp; overlay zone</li> <li>• Bee hives shall be a minimum of 15 feet from property line if lot is less than 20,000 sq. ft. and 25 feet if lot is 20,000 sq. ft. or greater</li> </ul>
Area Requirement for Animals	<p>On lots 20,000 sq. ft. or greater a minimum area per animal (over 6 months of age):</p> <ul style="list-style-type: none"> <li>• Cows, horses: 10,000 sq. ft.</li> <li>• Sheep, goats, emus, and llamas: 5,000 sq. ft.</li> </ul>	<ul style="list-style-type: none"> <li>• Add minimum area of 5,000 sq. ft. for miniature cows, miniature horses, miniature goats, and alpacas</li> <li>• Add minimum area of 1,000 sq. ft. for chickens, rabbits, and domestic fowl</li> </ul>
Harvesting	Not permitted	Chickens, fowl, and rabbits may be slaughtered on site out of view of public areas and adjacent property



## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CONCERNING URBAN ANIMAL KEEPING STANDARDS;  
AND AMENDING SECTIONS 9.2010, 9.2682, 9.2740, 9.3115, 9.3210, 9.3310,  
9.3810, 9.3910, AND 9.5250 OF THE EUGENE CODE, 1971, AND SECTION  
4.996 OF THAT CODE.

## THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

**Section 1.** The following entry in Table 9.2010 of the Eugene Code, 1971, is amended to provide as follows:

**9.2010      Agricultural Zone Land Use and Permit Requirements.**

Table 9.2010 Agricultural Zone Uses and Permit Requirements	
	AG
<b>Agricultural, Resource Production and Extraction</b>	
[Farm] <i>Urban</i> Animal[s-] <i>Keeping</i> , including pastureland[, excluding a slaughter-house] (See 9.5250)	S

**Section 2.** A new subsections (1)(c) is added to Section 9.2682 of the Eugene Code, 1971, and subsection (c) is renumbered to (d) to provide as follows:

**9.2682      Public Land Zone Land Use and Permit Requirements.**

- (1) Permitted Public or Semi-Public Uses.** The following uses are permitted in the PL public land zone:
- (a) Accessory Uses, excluding those uses subject to the provisions of EC 9.2683 Special Use Limitations. Examples include caretaker dwellings; service stations for government vehicles; building maintenance services for government facilities; storage, utility and printing for government services; and small scale commercial services to primarily serve users of the public facility.
  - (b) Public Uses, operated by the public agency that owns the development site, except for the intensification of uses that require a site review or conditional use permit according to EC 9.2683 Special Use Limitations. Examples include government offices, libraries, park and recreation facilities, neighborhood and community centers, post offices, fire stations, pump stations, electrical substations, school district offices, schools, reservoirs, and specialized housing. (Refer to EC 9.2683 Special Use Limitations.)
  - (c) *Urban Animal Keeping, including pastureland, subject to the Urban Animal Keeping Standards in EC 9.5250.*
  - (ed) The following uses not operated by the public agency that owns the property when the owner declares that the property is not currently needed for public uses:

1. Athletic Field, outdoor.
2. Ballet, Dance, Martial Arts, and Gymnastic Schools/Academies/Studios.
3. Community and Allotment Gardens.
4. Community and Neighborhood Centers.
5. Day Care Facilities.
6. Meal Services, non-profit.
7. Parks and Playgrounds.
8. Schools, Elementary through Middle School.
9. Combinations of the above uses.

**Section 3.** The following entry in Table 9.2740 of the Eugene Code, 1971, is amended to provide as follows:

**9.2740 Residential Zone Land Use and Permit Requirements.**

Table 9.2740 Residential Zone Land Use and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
<b>Agricultural, Resource Production and Extraction</b>					
[Farm] <b>Urban Animal[s.] Keeping</b> , including pastureland [ <del>excluding a slaughter house</del> ] (See 9.5250)	S		S	S	S

**Section 4.** The text of section 9.3115 is amended, and the following entry in Table 9.3115 of the Eugene Code, 1971, is added to provide as follows:

- 9.3115 S-CN Chase Node Special Area Zone Land Use and Permit Requirements.** The following Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements identifies those uses in the S-CN zone that are:
- (P) Permitted, subject to zone verification.
  - (C) Subject to an approved conditional use permit.
  - (S) Permitted, subject to zone verification **and the Special Development Standards for Certain Uses beginning at EC 9.5000.**
  - (#) The numbers in ( ) in the table are uses that have special use limitations described in EC 9.3116.

Examples of uses in Table 9.3115 are for informational purposes and not exclusive. Table 9.3115 does not include uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.3115 S-CN Chase Garden Node Special Zone Land Uses and Permit Requirements			
Land Use Type	C	HDR/MU	HDR
<b>Agricultural, Resource Production and Extraction</b>			
<b>Urban Animal Keeping, including pastureland (See 9.5250)</b>		S	S

**Section 5.** The following entry in Table 9.3210 of the Eugene Code, 1971, is added to provide as follows:

**9.3210     S-DW Downtown Westside Special Area Zone Land Use and Permit Requirements.**

Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements	
	<b>S-DW</b>
<b><i>Agricultural, Resource Production and Extraction</i></b>	
<i>Urban Animal Keeping, including pastureland (See 9.5250)</i>	<b>S</b>

**Section 6.** The following entry in Table 9.3310 of the Eugene Code, 1971, is amended to provide as follows:

**9.3310     S-E Elmira Road Special Area Zone Land Use and Permit Requirements.**

Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements	
	<b>S-E</b>
<b><i>Agricultural, Resource Production and Extraction</i></b>	
[Farm] <i>Urban Animal[s,] Keeping</i> , including pastureland [,-excluding a slaughter house] (See 9.5250)	<b>S(1)</b>

**Section 7.** The following entry in Table 9.3810 of the Eugene Code, 1971, is added to provide as follows:

**9.3810     S-RN Royal Node Special Area Zone Land Use and Permit Requirements.**

Table 9.3810 S-RN Royal Node Special Area Zone Land Uses and Permit Requirements					
	<b>LDR</b>	<b>MDR</b>	<b>RMU</b>	<b>CMU</b>	<b>MSC</b>
<b><i>Agricultural, Resource Production and Extraction</i></b>					
<i>Urban Animal Keeping, including pastureland (See 9.5250)</i>	<b>S</b>	<b>S</b>			

**Section 8.** The following entry in Table 9.3910 of the Eugene Code, 1971, is added to provide as follows:

**9.3910 S-W Whiteaker Special Area Zone Land Use and Permit Requirements.**

Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements	
	<b>S-W</b>
<b>Agricultural, Resource Production and Extraction</b>	
<i>Urban Animal Keeping, including pastureland (See 9.5250)</i>	<b>S</b>

**Section 9.** Section 9.5250 of the Eugene Code, 1971, is amended to provide as follows:

- 9.5250** [Farm] Urban Animal Keeping Standards. ~~[All of the following standards are applicable to farm animals:]~~
- (1) **Purpose.** *The purpose of these standards is to allow for increased opportunities for residential urban animal keeping and farming within the city limits, while encouraging compatibility within the urban environment. Animal keeping is the practice of raising domesticated animals that are used primarily as food or product sources.*
  - (2) **Application of Standards.** *In addition to applicable provisions contained elsewhere in this land use code, where this land use code allows Urban Animal Keeping, all of the standards in this section apply.*
  - (3) **General Standards.**
    - (a) *Animals not addressed in this section are not permitted under the "Urban Animal Keeping" use category.*
    - (b) *Except for an animal kept on-site by an educational or religious institution, the person responsible for keeping an animal shall reside on or adjacent to the development site on which the animal is kept.*
    - (c) *In addition to applicable provisions contained in this land use code, the keeping of one or more animals under these provisions shall also comply with all other applicable provisions of the Eugene Code, including but not limited to sections 4.083 through 4.084 Noise Disturbance, section 4.335 Animal Abuse, section 4.340 Animal Neglect, and section 4.430 Continuous Annoyance.*
  - (14) **[Farm] Animals Allowed.**
    - (a) ~~[Except as provided in subsection (1)(b) below, up to 2 adult rabbits or fowl (no roosters) over 6 months of age are allowed in any residential zone.]~~ *On development sites of less than 20,000 square feet and located in a zone that allows "Urban Animal Keeping," any two of the following four categories of animals are allowed:*
      1. **Chickens and Domestic Fowl.** *Up to 6 of any combination of chickens and domestic fowl over six months of age and up to 6 of any combination of chickens and domestic fowl under six months of age For purposes of EC 9.5250, "domestic fowl" means quails, pheasants, ducks, pigeons, and doves. Roosters, geese, peacocks, and turkeys are prohibited.*
      2. **Rabbits.** *Up to 6 over six months of age and up to 6 under six months of age*
      3. **Miniature Goats.** *Up to 2 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that males are neutered.*
      4. **Miniature Pig.** *No more than one miniature pig, up to 150*

**pounds in weight.**

**In addition to the above, Honey Bees are allowed (up to 2 hives) provided that they are located at least 15 feet from all property lines and a water source is provided on site within 15 feet of each hive.**

- (b) ~~[Rabbits, fowl (no roosters), cows, horses, sheep, goats, emus, and llamas are allowed in AG and R-1. There is no limit on the number of fowl (no roosters) or rabbits over 6 months of age permitted in AG and R-1 provided they are on a development site that contains at least 20,000 square feet and they meet the farm animal standards.]~~ **On development sites 20,000 square feet or greater and located in a zone that allows "Urban Animal Keeping," all of the following are allowed:**
1. **Chickens, Rabbits, and Domestic Fowl. Limited by the area requirement in section (8) below. Roosters, geese, peacocks, and turkeys are prohibited.**
  2. **Miniature Goats. Up to 2 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that males are neutered. Additional miniature goats are allowed subject to the area requirement in section (8) below.**
  3. **Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.**
  4. **Cows, miniature cows, horses, miniature horses, sheep, goats, emus, alpacas, and llamas. Limited by the area requirement in section (8) below.**
  5. **Honey Bees. Up to 4 hives, provided that they are located at least 25 feet from all property lines and a water source is provided on site within 15 feet of each hive.**
- (25) **Sanitation.** Proper sanitation shall be maintained for all ~~[farm]~~ animals **at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals, or constitute a nuisance.** Proper sanitation includes:
- (a) ~~[Not allowing farm]~~ **Disposing of animal waste matter and not allowing it to accumulate;**
  - (b) **Compost piles that contain animal waste matter shall be located at least 5 feet from all property lines and be within a container or bin enclosed on all sides and covered to deter rodents, flies, and other pests;**
  - (bc) ~~[Taking necessary steps to be sure]~~ **Ensuring** odors resulting from ~~the~~ **[farm]** animals are not detectable beyond property lines;
  - (ed) **Storing all [farm] animal food in metal or other rodent-proof containers.**
- (36) **Fencing. Fencing is required and [S] shall be designed and constructed to confine all [farm] animals to the [owner's property] site on which the animal is kept. The fence location and height are those required for fences in the applicable base and overlay zone.**
- ~~[(4) **Setbacks:** All structures that house farm animals shall be located at least 25 feet from all existing residences (except the animal owner's) and at least 10 feet from interior lot lines.]~~
- (7) **Enclosures.**
- (a) **An enclosure is required and shall be designed and constructed to provide shelter from the weather for all animals kept outdoors on the development site.**
  - (b) **The enclosure shall be roofed and have at least two solid sides.**

- (c) *The enclosure shall comply with the required height for accessory structures in the applicable base and overlay zone.*
- (d) *All structures designed and used to provide shelter for all animals shall be located at least 10 feet from all property lines, except where an adjacent property owner authorizes in writing that an enclosure can be located closer to the neighbor's property.*
- (58) **[Minimum Lot Size and] Area Requirement for [Large] Animals.[:]**  
*Minimum area of development site per animal over 6 months of age is as follows:*
  - ~~[(a) Minimum lot size of 20,000 square feet for cows, horses, sheep, goats, emus, and llamas.~~
  - ~~[(b) Minimum area per animal over 6 months of age:~~  
*Cows, horses: 10,000 square feet*  
*Sheep, goats, emus, and llamas: 5,000 square feet]
    - (a) *Cows and horses: 10,000 square feet per animal.*
    - (b) *Miniature cows, miniature horses, sheep, miniature goats, goats, emus, alpacas, and llamas: 5,000 square feet per animal.*
    - (c) *Chickens, Rabbits, and Domestic Fowl: 1,000 square feet per animal.**
- (9) **Harvesting.**
  - (a) *Only chickens, domestic fowl, or rabbits can be harvested on site.*
  - (b) *Harvesting shall occur only on the development site on which the animals are kept, and shall not occur in view from any public area or any adjacent property owned by another.*
  - (c) *Harvesting shall be done in a humane and sanitary manner.*
  - (d) *No commercial slaughterhouse shall be allowed.*
- (10) **Enforcement.** *Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.*

**Section 10.** A new subsection (5) of Section 4.996 of the Eugene Code, 1971, is added to provide as follows:

**4.996      Administrative Civil Penalty.**

- (5) *In addition to, and not in lieu of any other enforcement mechanism authorized by this code the city manager or designee may impose upon the person responsible for violation of sections 4.083 through 4.084, section 4.335, section 4.340 and section 4.430 of this code, an administrative civil penalty as provided by section 2.018 of this code.*

**Section 11.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Section 12.** The findings set forth in Exhibit A attached to this Ordinance are adopted as findings in support of this Ordinance.

**Passed by the City Council this**

**\_\_\_ day of \_\_\_\_\_, 2013**

**Approved by the Mayor this**

**\_\_\_ day of \_\_\_\_\_, 2013**

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**





## Findings

### Urban Animal Keeping Code Amendments (CA 12-2)

Eugene Code Section 9.8065 requires that the proposed ordinance comply with the following approval criteria (in bold and *italics*):

- (1) ***The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.***

*Goal 1 - Citizen Involvement.* To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The proposed action does not amend the citizen involvement provisions. The process for adopting these amendments complies with Goal 1 because it is consistent with, and will not change the City's existing and acknowledged citizen involvement provisions.

The Planning Commission public hearing on the amendments was duly noticed. Notice of the public hearing was also published in the Register Guard. The City Council then held a duly noticed public hearing to consider approval, modification, or denial of the amendments. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the amendments are consistent with Statewide Planning Goal 1.

*Goal 2 - Land Use Planning.* To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

The City's acknowledged land use code specifies the procedures and criteria to be used for decisions and actions related to land use applications. The amendments do not change the planning process, policy framework or information relied on in making decisions and actions related to land use applications. The record also shows that there is an adequate factual base for the amendments. There are no Goal 2 Exceptions required for the amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

*Goal 3 - Agricultural Lands.* To preserve agricultural lands.

The amendments do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

*Goal 4 - Forest Lands.* To conserve forest lands.

The amendments do not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

*Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources.* To conserve open space and protect natural and scenic resources.

OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

The amendments do not create or amend the City's adopted inventory of Goal 5 resources, and does not amend any code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5. The amendments do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and does not amend the acknowledged UGB. Therefore, the amendments are consistent with Statewide Planning Goal 5.

Goal 6 - Air, Water and land Resource Quality. To maintain and improve the quality of the air, water and land resources of the state.

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendments do not affect the City's protections for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

Goal 7 - Areas Subject to Natural Disasters and Hazards. To protect life and property from natural disasters and hazards.

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The amendments do not alter or affect the City's existing restrictions and approval criteria regarding development in areas subject to natural disasters and hazards. Therefore, Statewide Planning Goal 7 does not apply.

Goal 8 - Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not alter or affect the City's provisions for recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

Goal 9 - Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Land Study (October 1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and its Administrative Rule. The amendments do not affect the amount of land designated or zoned for commercial use and will have no direct impact on the existing supply of or any existing commercially designated land. Therefore, the amendments are consistent with Goal 9.

*Goal 10 - Housing. To provide for the housing needs of citizens of the state.*

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The amendments do not impact the supply or availability of residential lands included in the City's documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study. Therefore, Goal 10 does not apply to the amendments.

*Goal 11- Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The amendments do not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

*Goal 12- Transportation. To provide and encourage a safe, convenient and economic transportation system.*

Goal 12 is implemented through the Transportation Planning Rule (TPR, OAR 660-12). TransPlan provides the regional policy framework through which the TPR is enacted at the local level. The amendments will not significantly affect any transportation facility. The level of development currently permitted through existing code and zoning regulations will remain the same. No change in the functional classification of streets will result from the amendments. In addition, no changes are proposed to the standards that implement the functional classification system. Therefore, the amendments are consistent with Statewide Planning Goal 12.

*Goal 13 - Energy Conservation. To conserve energy.*

The amendments do not affect any of the City's energy conservation measures or programs. Therefore, Statewide Planning Goal 13 does not apply.

*Goal 14 - Urbanization. To provide for an orderly and efficient transition from rural to urban land use.*

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

*Goal 15 - Willamette River Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The amendments do not include any changes that affect the regulation of areas within the adopted Willamette River Greenway boundaries. Therefore, Statewide Planning Goal 15 does not apply.

*Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.*

The amendments do not include any changes related to coastal, ocean, estuarine, or beach and dune resources. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

**(2) *The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.***

The amendments do not include any change in adopted land use designations or policy, nor does it change any requirements in the City's land use code concerning compliance with the Metro Plan and applicable refinement

plans. There are no policies or other applicable provisions in the Metro Plan or adopted refinement plans that specifically serve as mandatory approval criteria in this instance or otherwise limit the expiration period for approved land use applications. Therefore, the amendments comply with the above criterion.

- (3) *The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.***

The amendments do not establish a special area zone. Therefore, this criterion does not apply.

## INITIAL PROPOSED CODE LANGUAGE

### Urban Animal Keeping Standards

January 14, 2013

#### 9.5250 Urban Animal Keeping Standards.

- (1) **Purpose.** The purpose of these standards is to allow for increased opportunities for residential urban animal keeping and farming within the city limits, while encouraging compatibility within the urban environment. Animal keeping is the practice of raising domesticated animals that are used primarily as food or product sources.
- (2) **Application of Standards.** In addition to applicable provisions contained elsewhere in this land use code, where this land use code allows Urban Animal Keeping, all of the following standards apply.
- (3) **General Standards.**
  - (a) Animals not addressed in this section are not permitted under the "Urban Animal Keeping" use category.
  - (b) Except for an animal kept on-site by an educational or religious institution, the person responsible for keeping an animal shall reside on or adjacent to the development site on which the animal is kept.
  - (c) In addition to applicable provisions contained in this land use code, the keeping of one or more animals under these provisions shall also comply with all other applicable provisions of the Eugene Code, including but not limited to sections 4.083 through 4.084 Noise Disturbance, section 4.335 Animal Abuse, section 4.340 Animal Neglect, and section 4.430 Continuous Annoyance.
- (4) **Animals Allowed.**
  - (a) On development sites of less than 20,000 square feet and located in a zone that allows "Urban Animal Keeping", all of the following are allowed:
    1. Female Chickens. Up to 6 female chickens over six months of age.
    2. Rabbits and Domestic Fowl. Up to a total of 6 of any combination of rabbits or domestic fowl over six months of age, not including chickens. Examples of permitted domestic fowl are quails, pheasants, or ducks. Roosters, geese, peacocks, and turkeys are prohibited.
    3. Miniature Goats. Up to 2 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that the males are neutered.
    4. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
    5. Bees. Up to 2 hives used for honey or pollination purposes, provided that they are located at least 15 feet from all property lines and a sufficient water source is provided on site.

- (b) On development sites 20,000 square feet or greater and located in a zone that allows "Urban Animal Keeping", all of the following are allowed:
1. Chickens, Rabbits, and Domestic Fowl. There is no limit on the number of female chickens, rabbits, or domestic fowl. Examples of permitted domestic fowl are quails, pheasants, or ducks. Roosters, geese, peacocks, and turkeys are prohibited.
  2. Miniature Goats. Up to 2 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that the males are neutered. Additional miniature goats are allowed subject to the area requirement in section (8) below.
  3. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
  4. Bees. No more than 4 hives used for honey or pollination purposes, provided that they are located at least 25 feet from all property lines and a sufficient water source is provided on site.
  5. Cows, miniature cows, horses, miniature horses, sheep, goats, emus, alpacas, and llamas. Limited by the area requirement in section (8) below.
- (5) **Sanitation.** Proper sanitation shall be maintained for all animals at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals, or constitute a nuisance, which includes all of the following:
- (a) Disposing of animal waste matter and remnants not allowing it to accumulate;
  - (b) Compost piles that contain animal waste matter shall be located 5 feet from all property lines and be within an enclosed container or bin;
  - (c) Ensuring odors resulting from the animals are not detectable beyond property lines; and
  - (d) Storing all animal food in metal or other pest-proof containers.
- (6) **Fencing.** Fencing is required and shall be designed and constructed to confine all animals to the site on which the animal is kept. The fence location and height are those required for fences in the applicable base and overlay zone.
- (7) **Enclosures.**
- (a) An enclosure is required and shall be designed and constructed to provide shelter from the weather for all animals kept outdoors on the development site.
  - (b) The enclosure shall be roofed and have at least two solid sides.
  - (c) The enclosure shall comply with the required height for accessory structures in the applicable base and overlay zone.
  - (d) All structures designed and used to provide shelter for all animals shall be located at least 10 feet from all lot lines.
- (8) **Area Requirement for Animals.** Minimum area of development site per animal over 6 months of age is as follows:
- (a) A cow or a horse: 10,000 square feet per animal.



- (b) A miniature cow, a miniature horse, a sheep, a miniature goat, a goat, an emu, an alpaca, and a llama: 5,000 square feet per animal.

**(9) Harvesting.**

- (a) Only chickens, fowl, or rabbits can be harvested.
- (b) Harvesting shall occur only on the development site on which the animals are kept, and shall not occur in view from any public area or any adjacent property owned by another.
- (c) Harvesting shall be done in a humane and sanitary manner.
- (d) No commercial slaughterhouse shall be allowed.

- (10) Enforcement.** Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.

Authority to Enforce Chapter 4 Through Planning and Development Enforcement Staff

**4.996      Administrative Civil Penalty.**

- (5)** In addition to, and not in lieu of any other enforcement mechanism authorized by this code the city manager or designee may impose upon the person responsible for violation of sections 4.083 through 4.084, section 4.335, section 4.340 and section 4.430 of this code, an administrative civil penalty as provided by section 2.018 of this code.



## BROWN Kristie A

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**From:** HAMMOND Laura A  
**Sent:** Thursday, January 17, 2013 2:28 PM  
**To:** BROWN Kristie A  
**Subject:** FW: New request received

Hi Kristie,

We received this comment via the website – are you collecting them? Let me know if I should send it to someone else.

Thanks!  
Laura

---

**From:** Planning and Development [mailto:do\_not\_reply@civicplus.com]  
**Sent:** Wednesday, January 16, 2013 5:57 PM  
**To:** HAMMOND Laura A  
**Subject:** New request received

**Category Planning and Development has received a new request.**

---

*Here is what we have on file:*

### Planning and Development Questions or Requests

#1292

[View Request](#)

		SUBMITTER
Category:	Planning and Development	
Priority:	3	
Assigned To:	Richards Tamara	
Submitted:	1/16/2013 5:57 PM	CONTACT
Source:	Website	<a href="mailto:danafurgerson@gmail.com">danafurgerson@gmail.com</a>

125 W. 36th Ave.  
Eugene, OR 97405

#### REQUEST DETAILS

##### Description

I am in favor of allowing expanded urban farming animals in Eugene: 1. The two animal combinations of chickens, ducks, and pigmy goats for a total of six 2. The allowance of two beehives.

Submit a Question, Comment or Request

First Name

Dana

Last Name

Furgerson

Street Number

125

Street Name

W. 36th Ave.

Zip

97405

Email Address

[danafurgerson@gmail.com](mailto:danafurgerson@gmail.com)

Phone

Alternative Phone

I am a Eugene

**Resident**

I prefer to be contacted by

**email**

I am submitting a

**Comment**

Please specify your comment, complaint, compliment, question, or service request

I am in favor of allowing expanded urban farming animals in Eugene: 1. The two animal combinations of chickens, ducks, and pigmy goats for a total of six 2. The allowance of two beehives.

1258 Dalton Drive  
Eugene, OR 97404  
January 16, 2013

Kristie Brown  
Building & Permit Services  
99 West 10<sup>th</sup> Avenue  
Eugene, OR 97401

Re: Eugene Animal Code Policy

Dear Kristie,


It is our understanding that the Eugene City Council is taking input regarding its Animal Code Policy, set for discussion at its upcoming January 22, 2013 meeting.

We are beekeepers, living on an unincorporated lot in the River Road area. Lots on our street are just under ½ acre in size, but therefore under the 20,000 sq. feet limits addressed in the Policy. Under the new restrictions, we would be in violation of Policy if we had more than 2 beehives, even though we provide a water source in the form of an artificial pond, and have the hives situated well away from nearby houses, roads, and walkways.

Two hives is all we plan to maintain. While we love every aspect of beekeeping, we realize the amount of work it takes to properly care for and monitor each hive. However, despite our best efforts, healthy bees will swarm. Part of being beekeepers means dealing with swarms in a conscientious manner, not letting them invade the neighborhood. Having a limit of 2 hives /lot does not give the flexibility we need to be able to capture swarms, stabilize them, and make plans for either adoption out or combining with existing hives. Temporary "quarters" do not constitute a "hive", but might be interpreted as such under the policy. Changing the code to allow up to 4 hives/property would give us the flexibility to manage our bees without violating code.

Please consider editing the proposed policy. Thank you!

Sincerely yours,

  
Doug & Polly Habliston



## **BROWN Kristie A**

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**From:** Heidi Shayla <tincat@efn.org>  
**Sent:** Sunday, January 13, 2013 10:11 AM  
**To:** BROWN Kristie A  
**Subject:** Re: Farm Animals/Micro Livestock in Eugene

To Whom it May Concern:

We are extremely interested in the proposed changes to Urban Farming regulations in Eugene, and have been happy to see the process moving in a supportive and thought out manner. Unfortunately, the most recent proposal seems to have moved in a direction that is oddly restrictive and nonsensical. Primarily, we are concerned about point number 9.5250 (4) -- in which it is stated that residents may choose between four categories of animals, but can only own two of those at any given time. From our standpoint, this restriction is difficult to understand, because it treats goats and pigs exactly the same as chickens and rabbits.

Using our 1/4 acre as an example: We currently have two beehives and 5 laying hens. We plan to begin raising rabbits for meat soon. And we had hoped to be able to have two Nigerian Dwarf milk goats in the future. Our land can easily accommodate these three categories in a manageable and aesthetic manner that in no way would trouble our neighbors with either noise or barnyard smells. However, we would not be able to guarantee the same thing if we instead had a hundred-and-fifty-pound pig and two fifty-pound goats; they both require more land than chickens or rabbits, and in the summer heat, pigs in particular generate more smells that are likely to offend neighbors. Our land is simply not big enough to accommodate both categories of these larger micro-livestock that need more space to roam--in spite of the fact that the proposal as it now stands would allow us to own both. This is the piece of the proposal that seems nonsensical. If owning three categories of animals is more easily accommodated than owning two, why would the city restrict having the three, but okay having the two?

We hope that the city council will reconsider the current proposal to limit households to only two categories. If there must be restrictions on the number of categories, the proposal would make more sense if it read that people can have rabbits and domestic fowl, and EITHER a pig OR two miniature goats. This is a do-able, manageable number of animals and covers people's desire to raise their own eggs, meat and milk. The more restrictive "two categories" doesn't offer the option of having a well rounded urban homestead that could go a long way toward sustaining a family.

We would also like to address the discrepancies that exist in the current proposal regarding people who own city lots over 20,000 square feet. This does not impact us personally, but it is difficult to understand why there are different restrictions for larger pieces of land. 1000 square feet per chicken, duck or rabbit seems outrageous and is obviously not a restriction for people, like us, who own less than 20,000 square feet. Again, the language of the current proposal treats domestic fowl and rabbits as if they have the same impact on the land and the neighbors as a pig or goats.

We would like to reiterate that we are extremely pleased that the City of Eugene is supporting people who want to develop small urban farms; it is exactly this kind of "thinking outside the box" that makes Eugene a unique city with an eye toward the future. We sincerely hope that the council will amending the current proposal to make certain that it allows families to have a variety of homegrown, organic food options. The current proposed restriction to two categories does not do that.

Thank You for taking the time to hear our input.

Ethan and Heidi Shayla  
55 Irvington Dr.  
Eugene, OR





## **BROWN Kristie A**

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**From:** Carol Cashman <ccashman@gmail.com>  
**Sent:** Saturday, January 12, 2013 2:09 PM  
**To:** BROWN Kristie A  
**Subject:** chickens in Eugene

Hi Kristie,

As a long time rural Lane County resident, many of my neighbors had livestock on their land, including chickens, horses, and llamas. Because they had plenty of space for their animals, knew how to raise them, and were at least an acre away from my house, there was little noise or smell. I never noticed it at all, even with a 20 horse barn across the road. However, now I live in the Churchill/Acorn Park neighborhood in Eugene, and I am surrounded by hundreds of abused, unhappy, and very noisy backyard chickens within a few blocks of my home. It's very sad and disturbing.

The noise and stench from the approximately 50 chickens in just the yards adjacent to mine is unbelievable, especially Spring through Fall. The close proximity of the overcrowded, poorly tended coops makes it difficult to sleep or enjoy my home, even inside with the doors and windows shut tight, let alone in the yard.

Chickens are VERY loud, no rooster required. One lays an egg and starts squawking, the rest of the coop joins in, and then the coop next door starts, too. They go on like this all day long, starting as early as 4 am and ending later than 10 when the light and weather are right. Not being farmers, these neighbors are not up at dawn and do not check on the nests for eggs like they should. They are also not home enough to keep up with the farm chores. With so little room to roam, stuck stacked up on top of each other in a coop, or up to their feathers in muck in the tiny yards, these chickens are in bad shape and are extremely vocal.

The young couple who rent the house to the east built a fancy coop last summer that is right on top of my fence and is closer to my house than theirs. When they added a gutter this winter because the manure was puddling up at the back of the coop (which then ran under the fence into yard) the trough along the edge of the coop roof actually hangs over the top of my fence into my yard, and the drainage spout dumps the water straight into my flower bed. They have only about 4 chickens so far, but plan to add more in the Spring.

The small family who just bought their rental house to the west have several more chickens in a coop that is right next to the fence line of the houses behind and next to them. They've had to put straw in their yard to soak up all the manure and mud where the grass was worn bare. They were gone for a couple of months this fall and left the chickens unattended except for a friend who occasionally came by to throw them some food, which allowed the stench and filth to really build up.

The family who own the house to the south had over 30 chickens the last time I counted, and get more all the time. In the summer, the noise is constant and the stench is unbearable on a hot day. Their coop complex is close to my fence home, not theirs. Frequently, their chickens escape their squalid conditions and climb the fence into my yard, where they destroy my property and plants until I can catch them and return them over the fence. These people actually left a nasty note on my door last summer demanding that I put up wire "cattle fencing" inside my perfectly decent 6 ft tall wood privacy fence to keep their chickens out of my yard and away from my two farm raised Australian Shepherd dogs, who don't mind chickens.

I know of at least 10 other coops within earshot of my house. All of these people sell eggs on Craigslist and Facebook, so it's not hard to trace the address. They have way too many eggs to use for their own families, as

the law intends. A chicken lays at least an egg a day, so the people behind it have more than 30 eggs every day for a family of 3. That's 10 eggs per person for one day, 70 each in a week, for a total of 210 eggs! I find it hard to believe that a 12 year old child eats 70 eggs a week. They sell the eggs.

Chickens in the city are real problem, and it's getting worse as "backyard farming" becomes more and more popular. There is a disturbing trend of inexperienced city people who think they're going to get back to the land and prepare for an apocalypse by starting farms on their 1/8 acre city lots. In most cases, these folks have never kept livestock before and have no idea how to care for their new pets. It's neither appropriate nor healthy for themselves, the animals, or the neighbors.

As for allowing goats and other livestock on city lots, that's just absurd. I raised 6 small goats on a 10 acre farm with two herd dogs and it was a challenge every day to keep them contained inside an electric fence, off the cars, out of the garden, and away from the neighbor's clothes line. Goats can do a lot of damage to trees, houses, or anything else they can get their teeth on.

Please consider taking a tour of the yards in Acorn Park and other neighborhoods and see the squalid conditions yourselves before making a decision to allow these animal abusers to continue, and expand, their backyard farming hobbies.

Farming is a profession, not a pastime. It's best done on a farm, not on a tiny city lot. Given that we are surrounded by beautiful, close-in farm lands, any Eugene resident who seeks to live the country life can rent a house or buy one, cheaper than in the city, and raise animals the right way.

Cheers,

Carol Cashman  
541-999-6463

## BROWN Kristie A

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**From:** Edward Goehring <edward.goehring@gmail.com>  
**Sent:** Monday, January 07, 2013 9:09 AM  
**To:** BROWN Kristie A  
**Subject:** comments re proposed new urban livestock regs

As a former municipal project manager, I know how hard it is to please all citizens when crafting new rules. But after reading the proposed changes to Eugene's livestock regulations, it seems like people who want to keep miniature (hobby?) goats, pigs, etc. will gain from the new regs. Everyone else would get tougher regulations about poultry. And new fines to worry about

Not impressed with the new plan. Especially the "no odors may cross property lines" rule. Seems a little out of touch with the laws of physics. A location for livestock on a given property will generate stronger smells under different weather conditions. Warm, wet weather will carry smells much farther than cold, dry weather. A livestock keeper who has no odor problem in winter may find themselves out of legal compliance come summertime.

Following the line of thought in the odors regulation: will Eugene take steps to ban the smells of BBQ in summertime because one's neighbor might be vegetarian and offended by the odor of cooking meat "crossing the property line"? Same principle. The City of Eugene allows "unwanted smells" created by private citizens, even clouds of smoke and fumes from the volatile fluids used to start BBQs, to cross the property lines from its public parks onto private property. Lighter fluid is a known health hazard; the smell of chickens is not.

Using the livestock odor rules as precedent, might not citizens take legal action against the City for failing to regulate OTHER odors that cross property lines? How about polluting mills and factories that generate unpleasant odors than can be smelled miles away? Can we use the livestock odor regs as grounds to request that the City not single out backyard farmers for enforcement when major businesses create far more nuisance? If Eugene is going to regulate foul odors, shouldn't the City start with the major industrial sources of the odors we already must suffer, before going after private citizens with six fowl in a back yard? Factory pollutants are a known health hazard; the smells of ducks or chickens are not.

Odor-wise, the City of Eugene might better focus its efforts on regulating smelly, harmful pollutants from local factories BEFORE wasting tax dollars on enforcing regs about the odor of backyard chickens.

Edward B. Goehring

Email: [edward.goehring@gmail.com](mailto:edward.goehring@gmail.com)

Phone: 541 632-2291

Fax: 541 683-5483

<http://www.linkedin.com/in/edwardgoehring>

<http://www.visualcv.com/edwardgoehring>

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Founder, Partnerships For Public Safety:

A Safer Eugene & Lane County, Oregon - <https://www.facebook.com/asafereugeneandlanecounty>

n Francisco Bay Area Public Safety Communications - <http://groups.google.com/group/sfbaypublicsafetycommunications>

Wildland-Urban Interface Issues - <http://groups.google.com/group/wildlandurbaninterface>

Memberships:

- Executive Board, Friendly Area Neighbors -- Eugene, Oregon - <http://www.friendlyareaneighbors.org/>
- [Public Warning & Mass Notification System \(MNS\) Group](#)
- [Nlets \(International Public Safety Information Sharing\)](#)
- [Transportation Planning and Traffic Engineers](#)
- [Civil Emergency Alert Services Association](#)
- [AECC - Advanced Emergency Communications Coalition](#)
- [Pedestrian and Evacuation Dynamics](#)
- [Safety & Security Professionals Of America](#)
- [Traffic & Transportation Professionals](#)
- [EmComm Professionals](#)
- [Bicycle Planning](#)
- [Fire and Security Professionals](#)
- [Transport & Traffic Modelling](#)
- [National Fire Protection Association](#)
- [911 Cell Phone Bank](#)
- [National Public Safety Telecommunications Council](#)
- [Employees, Officials and Consultants of the City and County of San Francisco](#)
- [Innovative Traffic Management & Highway Safety](#)
- [Interoperability in Emergency Communications](#) a subgroup of [EmComm Professionals](#)
- [Next Generation 9-1-1 \(NG9-1-1\)](#)
- [Professionals in Emergency Management](#)
- [Public Safety Professionals](#)
- [Traffic Engineer and Transportation Planner Network](#)
- [Public Safety Technology Group](#)
- [Technology and Communications for Public Safety](#) a subgroup of [Public Safety Professionals](#)
- [Traffic Control Professionals](#)
- [Road Safety International](#)



## **Notice of Eugene City Council Public Hearing**

**Tuesday, January 22, 2013 at 7:30 p.m.**

**City Council Chamber - 777 Pearl Street Eugene, Oregon**

On January 22, 2013, the Eugene City Council will hold a public hearing to consider the ordinance to implement the Urban Animal Keeping (CA 12-2). The following is being proposed:

The proposed farm animal code amendments will allow for increased opportunities for residential urban farming within the city limits, while addressing compatibility within the urban environment.

### **Applicable Criteria**

The Eugene City Council will address the relevant approval criteria from Chapter 9 of the Eugene Code (EC) at EC 9.8065 in evaluating the proposed amendments. The criteria are available on the city's website at: [www.eugene-or.gov/citycode](http://www.eugene-or.gov/citycode). Testimony and evidence of those testifying should be directed toward the applicable criteria, or other criteria or land use regulations that the person testifying believes to apply to the decision.

### **How to Submit Testimony**

1. Send a written statement to the City Council care of Building and Permit Services staff member Kristie Brown, 99 West 10<sup>th</sup> Avenue, Eugene, Oregon 97401 or by e-mail to [kristie.a.brown@ci.eugene.or.us](mailto:kristie.a.brown@ci.eugene.or.us).
2. Attend the public hearing on January 22, 2013 and state your concerns. Your spoken testimony will be recorded in the minutes of the hearing. The City Council may limit the time for each speaker to a few minutes. You are encouraged to submit written testimony if you have detailed comments you wish to make.

### **Additional Information and Staff Report**

The proposed ordinance and related project materials will be available for inspection at the Eugene Planning and Development Department, First Floor Reception, 99 West 10<sup>th</sup> Avenue, Eugene, Oregon between 9:00 a.m. and 5:00 p.m. Monday through Friday, and copies are available for the cost of copying. Or, visit the website at <http://www.eugene-or.gov/luappstracking> to download a copy of the materials. The Planning Division staff report to the City Council will be available by 3:00 p.m. on Monday, January 14, 2013 at the above specified locations.

For additional information, please contact Kristie Brown at the above address, by telephone at 541-682-6041 or via email at [kristie.a.brown@ci.eugene.or.us](mailto:kristie.a.brown@ci.eugene.or.us).

*Marked/mailed-  
1-10-13*





|                                                                          |                                                              |                                                                |          |          |
|--------------------------------------------------------------------------|--------------------------------------------------------------|----------------------------------------------------------------|----------|----------|
| Interested Parties:<br>an Animal Keeping (Fa (CA 12-2)                   | BEL, JENNY & DOUG<br>2522 JANELLE WAY<br>EUGENE OR 97404     | BELCHER, JOHN<br>0<br>JBELCHER@EFN.ORG                         | (CA12-2) | (CA12-2) |
| (CA12-2)                                                                 | (CA12-2)                                                     | (CA12-2)                                                       | (CA12-2) | (CA12-2) |
| BELLER, AMY<br>0<br>BELQUEEN@EFN.ORG                                     | BEZUK, BILL<br>501 WASHINGTON ST<br>EUGENE OR 97401          | BOLES, SHAWN<br>0<br>SHAWN.SUSTAIN@GMAIL.COM                   | (CA12-2) | (CA12-2) |
| (CA12-2)                                                                 | (CA12-2)                                                     | (CA12-2)                                                       | (CA12-2) | (CA12-2) |
| CARTER, JERRY<br>2172 DEWEY ST<br>EUGENE OR 97402                        | ELLIOTT, BARBARA<br>495 LONE OAK AVE<br>EUGENE OR 97404      | FESSENDEN, LYNNE<br>0<br>LYNNE@LANEFOOD.ORG                    | (CA12-2) | (CA12-2) |
| (CA12-2)                                                                 | (CA12-2)                                                     | (CA12-2)                                                       | (CA12-2) | (CA12-2) |
| FOSTER, BRAD<br>1315 BAILEY AVE<br>EUGENE OR 97401                       | GORDON, PAUL<br>0<br>RPAULG@GMAIL.COM                        | GRANATSTEIN, JUDY<br>390 N POLK ST<br>EUGENE OR 97401          | (CA12-2) | (CA12-2) |
| (CA12-2)                                                                 | (CA12-2)                                                     | (CA12-2)                                                       | (CA12-2) | (CA12-2) |
| HAGNER, DANIELLE<br>00<br>WFBWRK@COMCAST.NET                             | HARDEN, GENIE<br>85240 CHEZEM ROAD<br>EUGENE OR 97405        | HORNADAY, JEN & DOUG<br>65 EAST MAYNARD AVE<br>EUGENE OR 97404 | (CA12-2) | (CA12-2) |
| (CA12-2)                                                                 | (CA12-2)                                                     | (CA12-2)                                                       | (CA12-2) | (CA12-2) |
| HUNT, CHARLES<br>130 HANSEN LANE<br>EUGENE OR 97404                      | HUNT, KATHARINE<br>130 HANSEN LANE<br>EUGENE OR 97404        | JOHNSON-SHELDON, DEB<br>0<br>DEBJ@ORI.ORG                      | (CA12-2) | (CA12-2) |
| (CA12-2)                                                                 | (CA12-2)                                                     | (CA12-2)                                                       | (CA12-2) | (CA12-2) |
| KARNESKY, MARCIA<br>645 SWEET GUM LN<br>EUGENE OR 97401                  | KEELER, HARPER<br>00<br>HKEELER@UOREGON.EDU                  | KIGER, CHIP<br>0<br>KIGER@RIOUSA.COM                           | (CA12-2) | (CA12-2) |
| (CA12-2)                                                                 | (CA12-2)                                                     | (CA12-2)                                                       | (CA12-2) | (CA12-2) |
| MANAGER<br>LANE COUNTY FARMERS MARKET<br>0<br>INFO@LANECOUNTYFARMERSMARK | LEAVITT, LESTER & PAM<br>1325 BRICKLEY RD<br>EUGENE OR 97401 | LOCKE, NANCY ELLEN<br>1130 W 25TH AVE<br>EUGENE OR 97405       | (CA12-2) | (CA12-2) |
| (CA12-2)                                                                 | (CA12-2)                                                     | (CA12-2)                                                       | (CA12-2) | (CA12-2) |
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**November 21, 2012**

**NOTICE OF  
EUGENE PLANNING COMMISSION  
PUBLIC HEARINGS**  
Tuesday, December 11, 2012 at 6:00 p.m.  
Sloat Room, Atrium Building  
99 West 10th Avenue, Eugene  
The Planning Commission will consider the following amendment to Eugene Code Chapter 9 at the public hearing: The proposed farm animal code amendments will allow for increased opportunities for residential urban farming within the city limits, while addressing compatibility within the urban environment. For more information, to submit testimony, or for ADA accommodations, on item (1), contact Kristie Brown, 541-682-6041 or kristie.a.brown@ci.eugene.or.us. The files and the applicable approval criteria of the Eugene Code are available for free inspection at the Eugene Planning and Development Department, 99 West 10th Avenue, Eugene, between 9:00 a.m. and 5:00 p.m. The staff recommendations to the Planning Commission will be available by 3:00 p.m. on December 4, 2012, at the same location.  
No. 5502172 - November 21, 2012

*Wendy Raz*

Subscribed and affirmed to before me this November 27, 2012

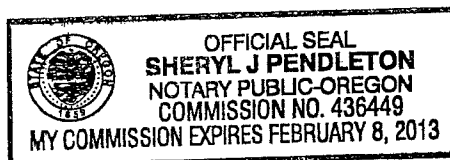
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## Eugene Planning Commission

Phone: 541-682-5481  
www.eugene-or.gov/pc

## AGENDA

**Meeting Location:**  
Atrium Building – Sloat Room  
99 W. 10<sup>th</sup> Avenue  
Eugene, OR 97401

The Eugene Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please at any of the meetings. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours notice. To arrange for these services, contact the Planning Division at 541-682-5675.

### **MONDAY, DECEMBER 17, 2012 – REGULAR MEETING (11:30 a.m. to 1:30 p.m.)**

**11:30 a.m. I. PUBLIC COMMENT**

The Planning Commission reserves 10 minutes at the beginning of this meeting for public comment. The public may comment on any matter, **except for items scheduled for public hearing or public hearing items for which the record has already closed.** Generally, the time limit for public comment is three minutes; however, the Planning Commission reserves the option to reduce the time allowed each speaker based on the number of people requesting to speak.

**11:40 a.m. II. DEERBROOK PUD APPEAL FINAL ACTION (PDT 12-1)**

Staff: Becky Taylor, 541-682-5437

**11:55 a.m. III. DOWNTOWN NODAL DEVELOPMENT OVERLAY ZONE CODE AMENDMENT DELIBERATION & POSSIBLE ACTION (CA 12-3)**

Staff: Nan Laurence, 541-682-5340

**12:15 p.m. IV. URBAN ANIMAL KEEPING (FARM ANIMAL STANDARDS) CODE AMENDMENTS DELIBERATION & POSSIBLE ACTION (CA 12-2)**

Staff: Kristie Brown

**12:55 p.m. V. ENVISION EUGENE UPDATES (MONITORING)**

Staff: Heather O'Donnell

**1:25 p.m. VI. ITEMS FROM COMMISSION AND STAFF**

- A. Other Items from Staff
- B. Other Items from Commission:
- C. Learning: How are we doing?

**Commissioners:** Steven Baker; Jonathan Belcher; Rick Duncan; Randy Hledik, Chair; John Jaworski; Jeffery Mills; William Randall, Vice Chair





## **AGENDA ITEM SUMMARY**

**December 17, 2011**

**To:** Eugene Planning Commission

**From:** Nan Laurence, Planning Division

**Subject:** Deliberation and Recommendation to the City Council:  
Drive-Through Facilities in /ND Nodal Development Overlay Zone in the Downtown  
(City File CA 12-3)

### **ACTION REQUESTED**

Based on comments received at the December 11, 2012 public hearing, deliberate on the proposed code amendment and provide a recommendation to City Council.

### **BRIEFING STATEMENT**

Earlier this year, as part of Envision Eugene, the City Council initiated code amendments to facilitate desired mixed use development for downtown and along transit corridors. Consistent with several strategies in the Envision Eugene proposal, the purpose of these amendments is to make compact urban development easier in the downtown, on key transit corridors, and in core commercial areas by removing regulatory barriers. These amendments are also necessary as part of the city's strategy to accommodate the city's 20 year need for commercial and multi-family housing inside the current urban growth boundary (UGB). Only the /ND code amendment is the subject of the December 17<sup>th</sup> deliberations; the remaining code amendments related to mixed use development for downtown and transit corridors will be considered as a package at a later Planning Commission public hearing.

### **BACKGROUND**

The impetus to amend the /ND overlay zone came from recommendations through Envision Eugene as well as multiple stakeholder interviews over several years. A number of elements of the overlay zone were seen as problematic, including the density requirement as well as inflexibility in the list of permitted uses. As a result, changes to this code section are a part of the package of draft code amendments going forward for review.

Earlier this fall a development opportunity surfaced for one of the sites downtown with the /ND overlay. In late October 2012, the City Council agreed to sell property in the Downtown Plan area to enable the development of Northwest Community Credit Union's regional headquarters. This development proposes a use that is in keeping with the goals and policies for downtown, including strengthening downtown as a regional center and increasing commercial activity between the core of downtown and the river. However, this development requires a drive-through facility, which is currently not allowed in the /ND even as an ancillary use for a multi-story structure. Given council's action and terms of the sale agreement, it is necessary to consider a code amendment to the /ND overlay in an expedited fashion. As a

result, this one component of the code amendment package has been pulled forward to be considered on its own with a shorter time frame for resolution. The proposed language is included as Attachment A.

### **Public Notice and Testimony**

A public hearing took place on December 11, 2012. Notice of the public hearing was sent to all neighborhood organizations, the City of Springfield, Lane County, as well as community groups and individuals who have requested notice. In addition, notice was also published in the Register Guard. Staff received two written responses related to the code amendment in advance of the public hearing. Staff provided these written responses to the Planning Commission at the public hearing. In addition, the Planning Commission heard public testimony from four community members, one of whom also submitted written testimony (see Attachment A). The Commission closed the record at the conclusion of the public hearing.

### **Applicable Criteria**

The Eugene Planning Commission shall address the relevant approval criteria from the Eugene Code (EC) in making recommendations to the Eugene City Council on the amendments, as listed below in ***bold italic***. Preliminary findings addressing the required approval criteria have been prepared by staff and were provided as an attachment in the AIS for the December 11, 2012 Public Hearing.

***EC 9.8065 Code Amendment Approval Criteria. If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:***

- (1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.***
- (2) Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.***
- (3) In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.***

### **Next Steps**

Following Planning Commission recommendation, a public hearing is scheduled at City Council on January 22, 2013, with action scheduled for February 11, 2013.

### **Recommendation**

Staff recommends that the Planning Commission make a recommendation to City Council to approve the code amendment.

### **FOR MORE INFORMATION**

Nan Laurence, 541-682- 5340or nan.laurence@ci.eugene.or.us

### **ATTACHMENTS**

- A. Written Testimony dated December 11, 2012 from Philip Farrington
- B. Findings of Consistency

December 11, 2012

To: Eugene Planning Commission

From: Philip Farrington

Codes are important but context is paramount. And when rigid application of code standards reveals unintended consequences – for example, the potential to scotch a viable infill development – then it bears considering the context of the request, and whether modification of the code could merit on balance a preferred outcome.

We have such an instance before you now. I'm not asking you to yield on matters of principle, only to consider that flexibility may be needed to achieve the desired results of our collective planning efforts. If left unmodified, the Nodal Development standards could prove to be a blunt instrument that applies uniformly without consideration of context, and may be counter-productive to achieving the overarching objectives of the nodal development concept – which essentially is to densify development with a variety of uses in convenient proximity. These are the fundamental precepts of "walkability." Not every building need have a vertical mix of uses, but by in-filling vacant lands within the core of our urban environment, and providing pedestrian facilities that integrate functions in the core, we will begin to fulfill our collective ambitions for a "nodal" environment, and realize our ambitious plans to better link downtown and the riverfront.

In this case you have before you a meritorious regional business seeking to develop a new headquarters on a property identified for multi-story infill development. From my experience as a board member of the Springfield Chamber of Commerce, I can attest to the considerable benefits Northwest Community Credit Union brings to the Eugene-Springfield community in terms of their support of local charities, their civic involvement, and furtherance of sustainability within their sector and the larger business community through their participation in Green Lane, the Business Bicycle Challenge, and similar initiatives. Northwest is seeking to expand its local employment, add millions in construction improvements to a rather dormant local economy, and add the improved value onto the city's tax rolls.

The proposal before you doesn't seek to gut the fundamental elements of the nodal overlay, nor to open up unabated auto-oriented uses on the subject site or any other. In fact, the proposed code will still maintain prohibitions of exclusively auto-oriented uses in the /ND overlay area, and will not permit exclusively drive-through establishments.

The proposed code amendment isn't earth-shaking, nor would it establish a precedence. Allowing a drive-through as part of the proposed new credit union headquarters isn't really any different than the fact that there are drive-through facilities in numerous other financial institutions in the Eugene downtown core: namely, Summit Bank, Century Bank, Sterling Bank, and my own credit union – Pacific Cascade. The urban purist would submit that such facilities are antithetical to a warm and inviting pedestrian environment. Yet all of these facilities coexist within a very walkable downtown, and can effectively be incorporated into the new facility design to minimize potential impacts on the pedestrian environment. And honestly, I hardly believe that denying this modest code amendment and leaving the subject site underutilized and in its current condition would improve the pedestrian environment.

I cautioned earlier about unintended consequences, and would like to remind you of one such instance. Some years ago I worked as a consultant on a project to develop a nodal development plan for in-fill at the Chase Gardens area. Some in city leadership believed that accepting modification of certain development standards would result in a compromised plan and rejected our initial proposal, which would have resulted in not only a pedestrian-orientation for future development but a primary use (namely, a grocery store) that was highly desired by the established neighborhood association and would have served thousands of nearby residents within easy walking distance. But the rigid adherence to certain design standards resulted in a different series of uses. Granted, the development there now has been designed quite elegantly, but are an entirely different use than envisioned and desired in the neighborhood, and frankly don't provide for an integrated neighborhood center as the original proposal. I mention this only as a word of caution. You may hear from some who would suggest that the proposed use does not merit this code amendment and to wait for another. But I would submit that we kill the good in search of the perfect, which will likely never come.

Our community has developed numerous plans that promote in-fill development, specifically to densify the area near the federal courthouse and bring greater vitality to downtown and the riverfront area. Approving this code amendment will help with plan implementation in a direct and meaningful way. The findings in your packet demonstrate consistency with applicable approval criteria and relevant plans; therefore, I urge you to vote in favor of the code amendment before you.

## **AGENDA ITEM SUMMARY**

**December 17, 2012**

**To:** Eugene Planning Commission

**From:** Heather O'Donnell, City of Eugene Planning Division  
Jason Dedrick, City Manager's Office

**Subject:** Envision Eugene Implementation:  
Monitoring

### **ISSUE STATEMENT**

This work session is an opportunity to provide an update to the Planning Commission on the role of monitoring in implementing Envision Eugene.

### **BACKGROUND**

Two primary goals of the Envision Eugene project are to: 1) determine how Eugene will accommodate the next 20 years of growth in our community, as required by state law, and 2) create a future that is livable, sustainable, beautiful and prosperous.

The City Manager's March 2012 Envision Eugene recommendation includes several strategies and actions to implement the Envision Eugene vision. One of the key strategies supporting the "Flexible Implementation" pillar is to create an ongoing monitoring system to collect and track information related to assumptions we've made about the next 20 years of growth. The basic goals of ongoing monitoring include:

- Acknowledge the uncertainty of 20-year projections and provide a basis for adjusting them, if needed, at a more frequent interval;
- Measure the effectiveness of Envision Eugene Strategies and Actions;
- Establish a system that collects data in a manner consistent with how it will be used;
- Meet state monitoring requirements; and
- Provide other benefits such as costs savings, easier access to data, easier reporting, reliable tracking, easier adjustment of assumptions (if necessary), and improved collaboration with regional partners.

Consistent with this strategy, a monitoring system is being developed that is intended to provide the information needed by the community and decision makers to periodically assess the validity of assumptions and inform the effectiveness of strategies adopted as part of Eugene's new comprehensive plan. Monitoring will require both a qualitative and a quantitative approach, since successful implementation of some strategies cannot be measured with data. While future policy questions continue to develop, such as what criteria will be used to inform when and how assumptions should be adjusted, three general areas of evaluation will likely be the most important:

- 1) Current status of the supply of available land (vacant or partially vacant) and resulting need for UGB expansion and facilities planning
- 2) Evaluation of key assumptions, such as:
  - Employment growth rate
  - Housing mix (single family housing vs. multi-family housing)
  - Commercial redevelopment rate
- 3) Evaluation of progress on implementation strategies using both quantitative and qualitative evaluation methods

In developing the monitoring plan, several efforts have been underway such as:

- Meeting with partners and technical resources including different City divisions, other agencies, Technical Resource Group members, consultants, and other jurisdictions with monitoring systems
- Updating the list of data (indicators) to be collected as identified in the Envision Eugene Recommendation (page 4-40). See Attachment A for a draft updated list.
- Identification of which quantitative indicators or qualitative reporting will be used to measure the success of the Envision Eugene Recommendation pillars, strategies and actions
- Developing the method for collecting the data informing each of the indicators (e.g. what, who, when, where and how the data is collected)
- Researching monitoring systems

More information on these efforts will be provided at the Planning Commission work session. In particular, discussion and feedback from the Planning Commission is requested regarding how to approach qualitative measurement of strategies and actions. For instance, what criteria or considerations are necessary to analyze strategies such as protecting adjacent neighborhoods and recognizing the value of historic properties?

#### **NEXT STEPS**

Several steps still remain before the monitoring system will be up and running. Staff will continue meetings with partners and resources regarding the indicators list and the methods for collecting the data. The methods for collecting each indicator needs to be finalized and training of staff to implement the system completed. Later, the analysis and reporting necessary to measure the qualitative strategies and actions will need to be developed.

#### **ATTACHMENTS**

- A. Draft Monitoring Indicators List

#### **FOR MORE INFORMATION**

Contact Heather O'Donnell at 541-682-5488 or at [heather.m.odonnell@ci.eugene.or.us](mailto:heather.m.odonnell@ci.eugene.or.us) or Jason Dedrick at 541-682-5033 or at [Jason.p.dedrick@ci.eugene.or.us](mailto:Jason.p.dedrick@ci.eugene.or.us)

# Quantitative Monitoring- Draft Monitoring Indicators List

| Residential Trends & Development       | Employment Trends & Development  | Both Residential & Employment, or Other Data | Efficiency Strategies                             |
|----------------------------------------|----------------------------------|----------------------------------------------|---------------------------------------------------|
| PSU Annual Population Estimate         | Type of land developed           | 20 minute neighborhood index                 | Alley access lots                                 |
| Acres of vacant, partially vacant land | Density                          | Building footprint                           | Secondary dwelling units                          |
| Type of land developed                 | Structure type                   | Parking spaces                               | Land Acquisition Program (for affordable housing) |
| Number of housing units                | Number of Floors                 | Improvement value                            | Controlled income & rent units                    |
| Density                                | Structure size                   | Valuation                                    | MU/TE units                                       |
| Structure type                         | Lot size                         | Surplus land                                 | Vertical housing units                            |
| Structure size                         | Plan designation/zoning          | Regional residential construction data       | CDBG Units                                        |
| Lot size                               | Location                         | Regional housing cost data                   | Opportunity Siting units                          |
| Plan designation/zoning                | Net to gross                     | Vehicle trips                                | Brownfield development                            |
| Location                               | Home offices/non-employment zone | Vehicle Miles Traveled                       | Tax increment financing                           |
| Net to gross                           | Use type                         | Mode Split                                   | Development loans & incentives                    |
| Open space                             | FAR                              | LTD Ridership                                | Enterprise zone jobs                              |
| Vacancy rate                           | Employment growth forecast       | Commuting trends                             | E-commerce zone jobs                              |
| Household size                         | Number of jobs                   |                                              | SDC's paid/ adjusted                              |
| Household age                          | Average wage                     |                                              | No-cost pre-application meetings                  |
| Household composition                  | Unemployment rate                |                                              |                                                   |
| Group quarters                         | Vacancy rate                     |                                              |                                                   |
| Demolitions                            | Commercial lease rates           |                                              |                                                   |
| Housing cost data                      | Existing built space             |                                              |                                                   |
| Housing cost as % of income            |                                  |                                              |                                                   |
| Household Income                       |                                  |                                              |                                                   |
| Housing tenure                         |                                  |                                              |                                                   |
| Housing & transportation index         |                                  |                                              |                                                   |
| Subsidized/"affordable" units          |                                  |                                              |                                                   |
| LIRHTE units                           |                                  |                                              |                                                   |
| Foreclosure Assistance units           |                                  |                                              |                                                   |
| Home buyer assistance units            |                                  |                                              |                                                   |
| Rental rehabilitation units            |                                  |                                              |                                                   |
| Homeowner rehabilitation units         |                                  |                                              |                                                   |
| Emergency minor home repair units      |                                  |                                              |                                                   |





## **BROWN Kristie A**

---

**From:** ralsusbrad@aol.com  
**Sent:** Wednesday, December 12, 2012 4:25 PM  
**To:** BROWN Kristie A  
**Subject:** backyard farm animal - bee limit

Dear Kristie - EUgene Planning Commission,

I attended the city meeting last night on backyard farm animals and would like to add these comments before the 5 pm deadline.

I am a backyard beekeeper and have been for about 12 years. I like to keep small "bee number" hives. Currently I have 6 hives. I had 2 at the beginning of the summer and at the request of my mail carrier, collected 4 swarms that were in inconvenient places. So currently I have 6. The last 4 hives were collected later in the summer so are still quite small. You may have never heard the old adage that says a swarm in May is worth a bale of hay, a swarm in June is worth a silver spoon (when silver wasn't worth much and hay was) , a swarm in July ain't worth a fly. Well 4 of my hives are of the fly variety. I could combine them all to one, by killing 3 queens, but what is the point. I would have the same number of bees. I am an older smaller beekeeper and lifting a 60 lb hive box off of a stack of 5 boxes is quite challenging. I much prefer to have smaller hives and less bees per hive.

My bees in my beehives impact the neighbors less than the bees on the fruit trees and flowering plants on our street. One can stand in the street, 5 feet from my 6 hives and not know that they are there. I have this happen all the time. People will come to see them and ask where they are. The key is not the 5 feet from the property line, but the direction they are pointed. A bee does not drop out of the sky and land at the entrance of a hive, it has a flight path. The key is to not point the opening of the hive to the neighbors yard. If it was to be pointed to the neighbors yard, the setback should be a lot larger.

I also have 2 ducks and 1 cat. I have had the three for 12 years. I understand limiting the number of animals that make noise, encourage flies, and are dangerous. Two ducks is great, and our yard could handle 4, but not 6 ducks, that would be too many. Dogs, cats, ducks, chickens, goats, etc all can have an impact on the neighborhood. Probably in that order. But bees? I think that maybe the confusion is in what a bee is. The European honey bee is not an aggressive stinging creature as many in this area seem to think. We do have our share of yellow jackets, and other flying aggressive insects in this area that can be quite nasty.

I talked to the people that recommended 3 to 4 hives at the city meeting, and they said to me they should have recommended more. One has 3 hives and the other has 9 hives. I advocate to allow any backyard beekeeper to have as many hives as they want as long as they are not running a business. If a number has to be made, limit it at 8. and have confidence that if there is a problem the neighbors will either talk to the beekeeper, or talk to the city. It will be handled the same way as backyard chickens that are causing a problem. Except that honey bees don't cause a problem when properly placed so they don't interfere with the neighbors.

Susan Thomas  
1315 Bailey Ave.  
Next to the Whiteaker Community Gardens



## **BROWN Kristie A**

---

**From:** brad foster <hmpwr@yahoo.com>  
**Sent:** Wednesday, December 12, 2012 2:14 PM  
**To:** BROWN Kristie A  
**Subject:** urban farm animals

December 12, 2012

Kristie Brown  
Eugene Planning Commission

Dear Kristie,

I attended last night's public hearing on the proposed changes to allowable limits on farm animals in Eugene. I noted that the commissioners are keeping the public comment period open until 5:00 P.M. today. I would like to add to the comments I made last night.

The proposed limit of two hives per residential lot of normal size dooms local beekeepers to failure and is inconsistent with both the city's oft-stated desire to encourage more local food production and reduce climate-changing emissions. The problems of such a low limit are:

- 1.) Fairness: Unlike dogs, cats and other pets, bee hives have almost no impact on surrounding property. The proposal can be modified to make the extremely small impact even smaller (see below).
- 2.) Based on current over-wintering success rates, it would make it extremely difficult if not impossible for local beekeepers to maintain viable hives.
- 3.) In the face of numerous fatal diseases that are attacking honeybees, a two-hive limit makes it improbable that our local beekeepers could possibly breed disease-resistant bees that are well-adapted to our local climate.

### 1. Fairness

Unless a hive is kept a few feet from a neighboring property with its access opening facing that neighboring property, the bees would not even be noticeable. The proposal is to keep hives fifteen feet from property lines. This can be improved by merely requiring that the hive opening not face the property line and reducing the setback to five feet. If you have ever watched an active hive, you will see that the bees fly out of the opening and immediately gain elevation. By requiring that hives not face the nearest property line, by the time the bees have left the hive and reversed direction, they will be tens of feet above ground and go unnoticed. Even extremely active hives are difficult to detect when set up this way. This is in marked contrast to the constant noise and odor from mammalian and avian pets. With the exception of ducks, generally everyone in a neighborhood knows who has what sorts of pets. Many beekeepers go unnoticed.

### 2. Two is Too low to Succeed

Colony collapse disorder (CCD), a disease caused by one or more as yet unknown agents, claims approximately 40% of all hives over the winter season. If a limit of two hives is imposed, consider what this means in the beekeeping community from a quantitative perspective:

One in six beekeepers will lose both hives to CCD each year. They are now FORMER beekeepers.

One-half of beekeepers will lose one hive to CCD each year.

The remaining one-third will be spared hive loss that year, but will re-enter the lottery the next year and still face other viability threats.

The beekeepers who have lost both hives can either quit or start over, assuming they can find hives available for sale. Most hives that are sold come from other regions of the country, which poses a disease-spread risk and

will also introduce genetic stock that will breed with local virgin queens to reduce their adaptation to our wet, cool climate. Like many long-time beekeepers, I have personally lost hives to pests that were unwittingly introduced through the purchase of hives from afar.

For those beekeepers who lose only one hive, many will successfully split their remaining hive and be back to the limit of two hives. This can be more difficult here than in other regions because of our cool, wet springs, but with some luck and effort, it can be done and is in fact done by most beekeepers with reasonable, but not 100%, success rates. Sometimes both hives are lost in the process of splitting a hive in two.

For the lucky third who don't lose any hives, here's what happens: If a hive does not have enough space to keep the bees busy, the hive will swarm. In order to prevent this, beekeepers normally split the hive, as mentioned above. If a beekeeper is already at the limit of two hives, he/she will simply add more boxes to the hive, thus making a much larger hive. Is there some public benefit to having fewer in number but much larger hives rather than having a larger number of small hives? I would say definitely not. In fact, there are some very sound biological reasons for wanting many small hives in our region rather than a small number of super-hives.

### 3. Breeding for Disease Resistance

As mentioned above, our climate is somewhat unique in North America. We have cool, wet springs that require bees that are capable of working at low temperatures and can withstand humid hive conditions. The best bees to deal with these conditions are those that have been genetically selected to do so, a process that is as simple as allowing the drones (males) from successful local hives to fertilize locally-bred queens on their mating flights. The more hives, the better the odds of getting bees that are well adapted. Local beekeepers are doing this now.

Climate adaptation is not the only selection going on here. While we don't know what causes CCD, we can still breed for bees that are resistant. We do this by splitting and breeding those hives that have survived suspected exposure to CCD. Again, we have a numbers game. Remember, a two hive limit means a small number of queens, with a correspondingly shallow genetic pool. By allowing local beekeepers to keep a larger number of smaller hives, we can make the odds of beating CCD better, or at least less bad.

Please consider that most people don't face the prospect of replacing their dogs, ducks, cats, chickens, etc every year or two because of a lethal disease. If they did, I'm sure we would allow them to keep more than two. Oh wait, we already do! So, what should the limit on honeybee hives be? Perhaps there shouldn't be a limit at all. If the bee hives are not facing neighboring property so that the flight path is well above human height, the bees should go largely unnoticed except for the pollination services they provide. Many fellow gardeners in the Whiteaker Community Garden noticed vastly improved food production once I brought my hives into town. I strongly suspect that those few people who think honeybees have caused problems are confusing honeybees with wasps and hornets. While wasps and hornets can look and sound somewhat similar to honeybees, they are unrelated, aggressive predators of honeybees. It's actually quite difficult to get stung by a honeybee unless you actually enter the hive.

Sincerely,  
brad foster  
1315 Bailey Ave  
Eugene, OR 97402

## BROWN Kristie A

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**From:** Sherry Wellborn <sherry@amazonneighbors.com>  
**Sent:** Wednesday, December 12, 2012 9:25 AM  
**To:** BROWN Kristie A  
**Subject:** micro-livestock

Thank you for addressing this issue and having the goal of sanctioning urban livestock as they are a necessary component of urban sustainability. A few comments about the proposal:

1. Requiring a chicken or rabbit hutch to be 10' from the property line is a problem. I use my south fence to provide additional shade and shelter for my rabbit hutch. The hutch is roofed and has 2.5 solid walls plus an interior box for the rabbit. But rabbits are sensitive to heat, wind, and excessive noise. They are quiet animals that don't smell. This south fence is the best location for the rabbit and, honestly, space efficiency in my urban backyard. My chickens are in a hutch on the backside of my shed facing the fence. My neighbors tell me they are unaware of their presence. The hutch opens onto the back corner of my lot where their yard is. Again, this is an urban lot, space is at a premium, the shed protects the chicken hutch from weather, the arrangement is safe and space efficient. I understand the offset idea, but it isn't practical in an urban lot and creates irrational backyard design.
2. Clearly, putting a commercial bee operation on an urban lot is undesirable. However, the 2 hive limit is arbitrary. A limit of 4 would be more practical. When you have bees, hives come and go because of swarms and colony losses. Folks are not going to notice a difference between a neighbor having one hive or 4. The 15' set back severely limits where a hive can be in a constrained urban lot and they will end up in awkward and dangerous locations because people will be forced to put them in travel paths. Better would be to require that placement accommodate bee flight patterns in and out of the hive that keeps bees out of low approach & departure flights across neighboring yards, sidewalks and alleys.

Thanks.

Sherry



## **BROWN Kristie A**

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**From:** Eugene Backyard Farmer <info@eugenebackyardfarmer.com>  
**Sent:** Wednesday, December 12, 2012 10:47 AM  
**To:** BROWN Kristie A  
**Subject:** Written testimony

Dear Eugene Planning Commission:

Thank you for the opportunity to speak at last night's public meeting regarding Urban Animal Keeping Standards. Also, thank you for keeping the record open so that I can add one point for consideration.

My concern is regarding Area Required for Animals (8) (b). As written, it appears as though a minimum of 5,000 square feet per animal is in reference to both lots over and under 20,000 square feet. It was unclear to me if a development site referred to a particular size of lot. Should this be the case, the 5,000 square feet requirement would all but eliminate many mid-sized urban backyards from keeping micro livestock.

Sue Weaver who has authored a number of books on urban micro livestock has stated that a pygmy goat or guinea hog requires a minimum 20X20 space per animal to thrive. If a square feet requirement is indeed needed on lots less than 20,000 square feet, I would suggest that 500 square feet per animal is more reasonable.

As I continue to read section (8) I am not able to draw a clear conclusion as to whether the space requirements are for different lot sizes and would seek clarification. I would suggest that there be two classifications of livestock. Standard livestock would need to meet the higher space requirements on a lot over 20,000 square feet. Micro livestock would need to meet a much lower space requirement on lots less than 20,000 square feet.

Reading code is difficult so I can only imagine how difficult it is to write code. Thank you for your efforts and for addressing this issue.

Regards,

Bill Bezuk  
Owner

--  
Eugene Backyard Farmer  
501 Washington St  
Eugene, OR 97401  
541-485-3276  
[www.eugenebackyardfarmer.com](http://www.eugenebackyardfarmer.com)





**BROWN Kristie A**

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**From:** Cindy Salter <cindysalter@mac.com>  
**Sent:** Tuesday, December 11, 2012 3:56 PM  
**To:** BROWN Kristie A  
**Cc:** SGP Executive Director; Tom Bettman  
**Subject:** letter to kristie re animal keeping

Hi Kristie

We support the proposed changes to the City of Eugene's ordinance for animal keeping that allows chickens on school property where desired and with adequate oversight. Eggs and chicken manure fit in very well with any realistic sustainable view of vegetable gardening, permaculture, and appreciation of animals in the food system, so it makes sense to allow reasonable accommodation for teachers who wish to raise chicks or keep small numbers of chickens with their students. There is a lot that kids can learn from interacting with chickens! School gardens are a great way to help kids understand where their food comes from and participate in the process of its production, and animals represent a natural extension of current school gardening programs.

Sincerely

Cindy Salter  
Coburg, Oregon

and

Tom Bettman  
Eugene, Oregon



To: Eugene Planning Commission  
Re: Farm Animal Code Proposal

December 10, 2012

Although I appreciate the intent of the Farm Animal Proposal, I can NOT support it as written. Densely populated urban areas are not appropriate places for raising and maintaining farm animals. I see many problems incumbent with keeping farm animals in the city. Some of these issues are addressed in the proposed code, but it is unrealistic to think they can or will be enforced.

Rats, raccoons and possums are already ubiquitous in Eugene. The popularity in composting has fueled the rat population due to improper care and maintenance of many composts. Keeping farm animals will doubtless add to this problem with improperly stored animal feed and food scraps that will attract vermin. Animal bedding provides nesting environments for rodents as well. An increase of rodents and vermin could easily result in a spread of disease to the human population. Rodents, vermin and their associated diseases should be a huge concern. And we all know that pigs, miniature or full size, are a vector for disease. Remember swine flu? It incubates and spreads rapidly in urban areas that allow pigs.

Farm yards breed flies. Just a few chickens or animals are enough to increase insect populations, particularly where sanitation is inadequate. And not everyone will be Johnny-on-the-spot on manure cleanup. The same is true for odors and disturbing noise from farm animals. Allowing animal enclosures to be 15' from adjacent properties will only work if animal keepers are considerate and conscientious.

I have concerns with complaint driven enforcement. I know first hand the difficulty in getting response and enforcement for nuisance dog complaints. Will the City have adequate staff to deal with urban farm complaints with continuing budget cuts?

There should absolutely be a minimum lot size if pigs and goats are included in the proposal. Many properties in Eugene are under 10,000 sq. ft. It's *crazy* to allow 6 chickens, 6 rabbits, 2 goats, 1 pig, and 2 bee hives in a space that small. It is appalling to think that every residential property, regardless of size, can potentially house this many farm animals. This is reminiscent of Europe in the Middle Ages where the outcome was rampant disease among the human population. Their solution was to keep farm animals on the farm.... *away* from the city! What a concept! If one could guarantee responsible animal husbandry, perhaps a modified version of this proposal could function within urban boundaries. But that level of responsibility can't be anticipated or expected.

Please consider the following suggestions.

I recommend that farm animals in Eugene be restricted to chickens, rabbits, and domestic fowl... period.

Portland's urban farm program allows for three animals per property, mix and match. I recommend allowing six animals, mix and match, of chickens, rabbits, and domestic fowl on properties under 20,000 sq. ft. This will provide some food and farming without being an impact on neighbors and the urban environment. I DO NOT support pigs or goats in an urban area under ANY circumstance, regardless of lot size!!

For lots over 20,000 sq. ft. we recommend establishing a limit to the number of chicken, rabbits, and domestic fowl allowed. To leave that open ended could result in a situation unsuitable to urban living.

Should goats and large farm animals remain in the new code (though I don't support it), I recommend that ALL farm animals (including chickens) require a permit. This will help the City control the program as well as to generate revenue to cover the costs of the program. At a time when public money is so tight that essential public services (fire, emergency, library) are threatened, this program cannot be justified if it isn't self supporting. Again, one can look to Portland for their permit requirements.

As quaint and idyllic as urban farming sounds, its reality may be quite different. A few chickens and rabbits can be maintained with minimal impact on neighbors. Even chickens can be a nuisance if not properly cared for. But there is NO place for pigs, goats or large animals in a city. This is NOT a good vision for our community.

Thank you,  
Judy Granatstein  
390 N. Polk St.  
Eugene, OR 97402

To: Eugene Planning Commission

Testimony for Farm Code Proposals

Allowing farm animals other than a small set number of specified fowl, rabbits, and/ or beehives, is not appropriate in an urban setting.

The guidelines proposed here come with the expectation that most city dwellers would measure up to the responsibilities of managing an urban farm. Those responsibilities would include being low impact to surrounding neighbors. My experiences in urban living here indicate the opposite. Too many of us already have too little consideration for those beyond our property lines. Uncontrolled pets, unauthorized burning, pesticide/ herbicide abuse, and noise at inappropriate times are just a few examples. These already raise peoples' stress levels in the city. Expanding animal husbandry options will foster yet more friction among neighbors, ultimately leading to more confrontations. Farms and farm animals belong in the country.

Matt Schaefer  
1280 Bailey Ave.  
Eugene, OR



## **BROWN Kristie A**

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**From:** JennyBel@q.com  
**Sent:** Sunday, December 09, 2012 1:25 PM  
**To:** BROWN Kristie A  
**Subject:** Testimony regarding beehives

I see that there is a lot of feedback for the proposed changes to the regulations concerning beekeeping. Unfortunately all that I have read has come from members of the beekeeping association. We are not against having bees in the urban areas of Eugene, but as with all farm animals there needs to be limits. As a next door neighbor to a very rude beekeeper it would be very easy for me to want no bees at all, but there is a need.

If you go to any beekeeping website and ask about urban or in-city hives they all tell you to be a good neighbor first (let your neighbors know what you are planning), to provide a water source and south facing sun. Our neighbor now has three hives that we know of, good south sun and no water source. We had no warning that the hives were going in. We asked her to provide a water source and the answer we got was that she has a Jacuzzi. The response was not quite worded that way and we were pretty much told to go away and that anything she does on her property has nothing to do with us. We have a Koi pond and her Jacuzzi is always covered so you know where the bees are going. During the summer we cannot sit on our deck where the Koi Pond is due to swarming. She told us that she was going to add two more hives and that there was nothing we could do about it and go away.

It is very easy for a beekeeper to tell you that swarming is normal and the bees are non-aggressive. Tell me that when I'm being swarmed and to the three people in my yard who have had several stings. There is a woman who lives two doors down who does not want to get involved who has a grandson that is not allowed to play in the yard during the summer due to his bee allergies.

As a neighbor to a beekeeper here is what I see especially when the bees have no water source on the property that they are kept. This is our case

- 1 My back door is within 40 ft. of three hives (currently in violation) and during the summer months it is difficult to use this door. This is our primary entrance as it is off the driveway - the setback for hives in this residential setting should be a minimum of 25' and there should be some kind of regulation about the number of hives within a certain distance of an entrance to a neighbors building (during hot days the bees swarm and we cannot use our back door as the bees come inside the house.).
- 2 Any beekeeper found in violation should have his/her rights for beekeeping revoked and the bees removed. There is nothing worse than an inconsiderate neighbor.
- 3 In the City setting there should be no more than one or two hives on property. There are those who have two adjoining lots and for beekeeping purposes will define each lot separately in order to double their capacity even though the lots are fenced in and occupied as one large lot.

In summary we do not object to having bees in the city but there is a current limit and should always be one. We have a next door neighbor who keeps bees in a very unfriendly to the neighborhood way. She has been sited for this and is hoping that the regulations change so that she will be off the hook for her violation. This should not be tolerated and the citation and any fines imposed should stand. I guess the best analogy would be if you got a speeding ticket doing 45 in a 35 and just didn't pay the ticket. A year later the

zone is changed to 45 so you feel you don't owe the fine. In violation at the zone is what counts, there will still be a bench warrant issued for the speeding ticket.

Thanks for hearing us out;

Jenny and Doug Bel  
2566 Janelle Way  
Eugene, OR 97404  
[JennyBel@q.com](mailto:JennyBel@q.com)



## BROWN Kristie A

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**From:** Genie Harden <genieharden@gmail.com>  
**Sent:** Friday, December 07, 2012 8:58 AM  
**To:** BROWN Kristie A  
**Subject:** spencer creek goat school

Hi, Kristie,

You might have seen the article about my "goat school" in the Eugene Weekly this week. I want to tell you a little about it and invite you to participate. It was inspired by the city council's decision to allow miniature goats in town and my concern that interested folks are well prepared. Although I like the idea of making a little "butter and eggs money" from the venture, my broader goal is to foster a responsible community of goat enthusiasts, who are well-informed, successful, ethical, and supported. Wouldn't it be fun for Eugene Oregon to be on the map also because of the superior genetics and milking abilities of our collective herd?

I want prospective goat owners to get a sense of the daily routines, the infrastructure, the joys and issues of keeping miniature goats, so they can get a sense of whether this hobby is really for them. I'm not an expert, but I've got enough experience now to help other folks with their first steps. I charge \$25 for the 3 hours, which includes a little hands-on milking, a little hands-on hoof-trimming, lots of time for questions and answers, a hand-out of my favorite resources, and a cheese tasting. The "class" can only accommodate 4 people max for the sake of comfort, and everyone getting all their questions answered.

I got a nasty letter from someone in Maine saying that they've trademarked the name "Goat School" and that I have to "cease and desist." This led me to reflect on what I'm really doing here, because I never considered this a serious business venture. I decided to call it Spencer Creek Goat School in case someone in town wanted to open up a "Eugene Goat School." I hope there are a LOT of goat schools! And perhaps a goat school could be more of a goat club, where a neighborhood worked together to create a goat school.

I would like to invite you to one of my workshops. If you can get the city to cover the cost, great, if that's not possible, you can be my guest. I have Saturday available from 3-6, and Sunday 7-10 a.m. and 3-6 p.m. I'm trying to do this before the goats dry up, so folks can get a little hands on milking experience. If there's enough demand I'll open it up throughout next week as well and probably quit in the middle of the week after that. Please let me know if there's anyone else at the city level who might benefit from this workshop.

I look forward to your feedback,

Genie Harden  
(541) 341-1709



**BROWN Kristie A**

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**From:** Marcia <martyk@epud.net>  
**Sent:** Friday, December 07, 2012 3:28 PM  
**To:** BROWN Kristie A  
**Subject:** In support of prposed changes to Eugene's land use code regading farm animals

Greetings Ms. Brown,

I am a local urban gardener/ wanna be farmer. I currently have some chickens and am interested in adding rabbits or miniature goats to my back yard "farmette". I have reviewed the proposed changes to the land use code for Eugene regarding farm animals and I enthusiastically approve of the proposed changes! I hope that the city council accepts these proposed changes as written. Thank you for supporting local sustainability in Eugene.

Marcia Karnesky  
645 Sweet Gum Lane,  
Eugene, OR  
541-485-6382



**BROWN Kristie A**

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**From:** Judy Scher <judyscher@gmail.com>  
**Sent:** Wednesday, December 05, 2012 11:09 PM  
**To:** BROWN Kristie A  
**Subject:** Letter in support of beehives in Eugene  
**Attachments:** Management of Beehives in City of Eugene.docx

Hi Kristie,

I hope it isn't too late to get this letter in. After looking at the agenda for Dec.11, it seems like you might not get to beekeeping until the Dec. 18, meeting. I will be attending both meetings.

This letter is actually about good management of hives and why a set number of hives is not a good practice. Hopefully I can have 2 minutes to speak.

Regards,  
Judy Scher

Judy Scher  
President Lane County Beekeepers Association  
1092 W. 10th Ave.  
Eugene, OR 97402



## Argument for Maximum of 4 Hives

Judy Scher, President Lane County Beekeepers

I am urban beekeeper in the City of Eugene, and currently the president of Lane County Beekeepers Association. I am also a journeyman beekeeper, working on a master level with Washington State and helping to develop a master beekeepers program for Oregon at OSU.

As others have written about the importance of urban beekeeping; I wish to expound upon the practice of sound management of hives.

### The practice of keeping a set number hive is poor management!

In the spring, when the swarm impulse is at its highest, the best way to control swarming is to split the hive one or two times. This relieves the original hive of congestion, therefore controlling the swarm impulse.

In winter, when the possibility of hive loss is greatest, a sound practice is to have two strong hives plus two half-hives (called "nucs"). In the spring, if the hives are weak (or lost), the beekeeper can combine the nucs with the hives.

A practiced beekeeper also uses "nucs" throughout the year, because if a hive loses a queen, the beekeeper can combine a "nuc" (which has a queen) with the queenless hive.

### Some Factoids

#### Stings

Honey bees are not aggressive insects. They sting only when people come too close to their hives...and probably won't even sting then. Foragers don't want to do anything except forage. They will sting if you step on them barefoot. It's beekeepers, who typically get stung by honey bees.

Honeybees are often confused with aggressive yellow-jackets, wasps and bald-faced hornets. YELLOW JACKETS ARE NOT BEES! Yellow jackets are much more apt to sting than honey bees. One of the biggest enemies of honeybees are yellow-jackets, who kill them and rob their hives, and eat their brood.

#### Swarms

You already experience swarms of honey bees from hives 3 miles away from town. Urban beekeepers would love to collect these swarms and these beekeepers are an asset to the city.

Swarms of honey bees are very GENTLE. They have a hard time getting into their sting position because they are full of honey.

There is a swarm list on the Lane County Beekeeper site and beekeepers are invited to have their names placed there.  
<http://www.lcbaor.org/>

### Recommendations

- Beekeepers should be able to keep a maximum of 4 hives on their property in the spring in order to control swarms or to equalize the strength of the hives. It is reasonable to have 2 hives plus one or two "nucs" going into winter.
- Beekeepers should provide multiple sources of water on their property away from the hives but where bees can readily find it.
- Beekeepers should be encouraged to become educated about proper year round maintenance of their hives to promote good hive health, disease control and swarm control.
- Beekeepers should use the local resources such as Lane County Beekeepers Association and/or enroll in the Oregon Master Beekeepers program.





**BROWN Kristie A**

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**From:** Doug Hornaday <healthybeeshealthygardens@gmail.com>  
**Sent:** Sunday, December 02, 2012 10:31 PM  
**To:** BROWN Kristie A  
**Cc:** jenhornaday@gmail.com; scotty perey; Rick Meiser; Becky Riley; REILLY Carleen (SMTP)  
**Subject:** Eugene's beekeeping ordinance

We are beekeepers in Eugene's urban growth boundary. We recently learned the city was going to set a policy on how many hives a residence can have.

Jen and I both recently took OSU's apprentice master beekeeper program. One of the first things we learned is that in order to successfully sustain a bee population a beekeeper needs a minimum of three hives. With this information alone the city should not only approve the two hives for properties of 20000 feet or less but consider upgrading it to three hives. We feel it is in the cities best interest to support and recognise our local urban beekeepers. Without our services the communities crops, vegetables, berries and fruit harvests would not exist.

We hope the city values the pollination services that our local beekeepers provide for our community and sets a limit of hives that is sustainable in our community. The value of a beekeeper is only determined if his or her bees live and with all the problems with bees these days this can be a difficult task.

We both feel the city should approve a three hive ordinance and let the citizens of Eugene know that the city not only supports our local beekeepers but promotes beekeeping in our community.

Sincerely Jen and Doug Hornaday, Healthy Bees = Healthy Gardens

65 East Maynard Ave  
Eugene Oregon 97404



Eugene Planning Commission  
Eugene, Oregon

December 3, 2012

Charles W. Hunt  
130 Hansen Lane  
Eugene, Oregon 97404

To The Planning Commission:

I am a former president of the Lane County Beekeepers Association, a beekeeper of approximately 40 years experience in both commercial and hobby beekeeping, and a Senior Instructor at the University of Oregon, Department of Sociology. For a number of years, I was a commercial beekeeper maintaining approximately 500 hives of bees. In the Lane County area, I have been both a hobby beekeeper and a sideline commercial beekeeper. While a sideline commercial beekeeper in the Lane County area, I kept approximately 150 hives of bees. I am very interested in the review now taking place concerning rules for farm animals in the City of Eugene conducted by the Planning Commission. Let me outline some facts concerning honey bees:

1. Bees are essential for pollination of many crops and particularly for successful production of fruit crops commonly grown in the Willamette Valley. Such crops as apples, cherries, plums, and many others require pollination by insects to successfully set fruit and for good quality fruit production. Seed production for such seeds as clover, lettuce, broccoli, cabbage and many other seed crops require insect pollination for setting of seed. Without insect pollinators, these food and food related crops will not produce.
2. Honey bees, kept by beekeepers, are especially useful as pollinators since a single hive may produce from ten to thirty thousand individual insects for pollination. Bee hives are uniquely mobile and can be moved for pollination. Honey bees pollinate in an area encompassing three miles in all directions from their hive.
3. Bees are easily kept and provide a valuable experience of animal husbandry for adults and children. What is more, along with pollination, bees produce honey, an incredibly delicious and useful liquid sweet. Honey is especially useful in baking and canning, or for everyday sweetening use.
4. In the past 20 to 30 years native pollinators in North America have been on the decline for many reasons. The result of this decline, however, is greater difficulty in fruit, nut, seed and food production. Not only have populations of native pollinators declined but the introduction of various honey bee parasites and diseases has all but wiped out the wild honey bee population, thus making bees kept by beekeepers much more important in the overall pollination regime.
5. The keeping of honey bees by amateur beekeepers has been on a steady decline since World War II and continues to decline in most parts of the country. In Lane County, in no small measure due to the work of Lane County Beekeepers Association, that decline has been reversed and Eugene and Lane County have a vibrant and continually growing number of beekeepers. These beekeepers are skilled and constantly upgrading their skills




through self education and, now, through a Master Beekeepers course recently begun in Oregon.

6. Difficulties with honey bee populations are greatly exaggerated by the public. True allergies to honey bee stings are extremely rare. Bees rarely sting and the vast majority of sting incidents involve yellow jackets or other aggressive insects mistaken for, and often called, "bees". Honey bees sometimes swarm in the spring, an event that often causes great fear and consternation. Actually, swarming honey bees are particularly docile and are not inclined to sting at all since they have no home or honey to defend. Careful hive placement can essentially eliminate any human/honey bee interaction entirely.

7. Due to difficulties with keeping a single hive, it is extremely hard for a backyard beekeeper to successfully maintain bees with a restriction of a single hive. At least two, and preferably three or four, hives are essential for successful backyard beekeeping and the continued maintenance of bees.

In light of these facts, I urge the Planning Commission to revise its rules on backyard beekeeping to allow up to four hives within the City limits. If the Planning Commission has any questions regarding this letter or the art and science of beekeeping in an urban environment, I urge you to contact either myself or others in the Lane County Beekeepers' Association.

Sincerely yours,

  
Charles W. Hunt  
541-607-0106



**The Eugene Backyard Farmer**  
**501 Washington St.**  
**Eugene, OR 97401**  
**541-485-3276**

City of Eugene  
attn: Kristi Brown  
99 W. 10th  
Eugene, OR 97401

Dear Ms. Brown

First I want to thank you and your team for doing such a thorough job on the Proposed Code Changes to Farm Animal Standards. My overall impression is that it does a good job of balancing the rights of urban farmers with the need to maintain the high quality of living we enjoy in Eugene.

When we last spoke I got the sense you were also trying to balance what would be considered the right number of limits. As with any piece of regulation, there will always be those who are not pleased, I think the proposed numbers are reasonable.

I would however like to give you my personal opinion of a couple of points. First in 9.5250 (1), (b) I believe turkeys should not be a restriction. Many people have raised turkeys in their city backyard and most report that they are as quiet as chickens. They can get loud if you get more than one tom but if that were the case they would fall under the sound limitation (5) and would need to be butchered. If you get three turkeys it is unlikely you would end up with two toms. I recommend turkeys be added in section (2) (a) 2 as allowable. Possible wording would be Rabbits, Domestic Fowl and Turkeys. Up to 6 of any combination of rabbits, domestic fowl, or turkeys over six months of age, not including chickens.

Also in 9.5250 (2), (a) 4, I would suggest that the limit for miniature pigs be two. I would apply the same logic as was applied with mini goats. Two pigs will keep each other company thus keeping any noise to a minimum. My reasoning is that if a goat and a pig are roughly the same size, they should be treated equally.

Again, thank you for your time as well as your consideration.

Regards,



Bill Bezuk  
Owner





## BROWN Kristie A

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**From:** BROWN Kristie A  
**Sent:** Friday, December 07, 2012 3:38 PM  
**To:** \*Eugene Planning Commissioners  
**Subject:** Updated Proposed Code Language on Urban Animal Keeping

Greetings,

In advance of Tuesday's Public Hearing, I'm sending you updated code language based on the city attorney review. There are three changes, however none of them change the substance of the requirements. The changes are as follows:

1. The prohibition of roosters, geese, peacocks, and turkeys was moved from the "General Standards" to the "Animals Allowed" under (4)(a)2. and (4)(b)1.
2. The standards on "Care of Animals" and "Noise" have been removed from the proposal, because standards addressing these topics are already provided in Chapter 4 under "Animal Neglect" and "Noise Disturbance". The proposal now includes a reference to these Chapter 4 standards. The reference is under the "General Standards" at (3)(c).
3. To ensure that Planning and Development enforcement staff has the authority to enforce the "Animal Neglect" and "Noise Disturbance" standards a new provision is proposed to be added to Chapter 4. Please note that amendments to Chapter 4 only require City Council approval, as such they are provided for reference only.



Updated  
Proposed Code ...

Please contact me if you have any additional questions.

**Kristie Brown** | Land Use Analyst

City of Eugene | Planning & Development  
99 West 10<sup>th</sup> Avenue | Eugene OR 97401  
Phone 541.682.6041 | Fax 541.682.5593

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## PROPOSED CODE LANGUAGE

### Urban Animal Keeping Standards

December 7, 2012

#### 9.5250 Urban Animal Keeping Standards.

- (1) **Purpose.** The purpose of these standards is to allow for increased opportunities for residential urban animal keeping and farming within the city limits, while encouraging compatibility within the urban environment. Animal keeping is the practice of raising domesticated animals that are used primarily as food or product sources.
- (2) **Application of Standards.** In addition to applicable provisions contained elsewhere in this land use code, where this land use code allows Urban Animal Keeping, all of the following standards apply.
- (3) **General Standards.**
  - (a) Animals not addressed in this section are not permitted under the "Urban Animal Keeping" use category.
  - (b) Except for an animal kept on-site by an educational or religious institution, the person responsible for keeping an animal shall reside on or adjacent to the development site on which the animal is kept.
  - (c) In addition to applicable provisions contained in this land use code, the keeping of one or more animals under these provisions shall also comply with all other applicable provisions of the Eugene Code, including but not limited to sections 4.083 through 4.084 Noise Disturbance, section 4.335 Animal Abuse, section 4.340 Animal Neglect, and section 4.430 Continuous Annoyance.
- (4) **Animals Allowed.**
  - (a) On development sites of less than 20,000 square feet and located in a zone that allows "Urban Animal Keeping", all of the following are allowed:
    1. Female Chickens. Up to 6 female chickens over six months of age.
    2. Rabbits and Domestic Fowl. Up to a total of 6 of any combination of rabbits or domestic fowl over six months of age, not including chickens. Examples of permitted domestic fowl are quails, pheasants, or ducks. Roosters, geese, peacocks, and turkeys are prohibited.
    3. Miniature Goats. Up to 2 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that the males are neutered.
    4. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
    5. Bees. Up to 2 hives used for honey or pollination purposes, provided that they are located 15 feet from all property lines and a water source is provided on site.

- (b) On development sites 20,000 square feet or greater and located in a zone that allows "Urban Animal Keeping", all of the following are allowed:
  - 1. Chickens, Rabbits, and Domestic Fowl. There is no limit on the number of female chickens, rabbits, or domestic fowl. Examples of permitted domestic fowl are quails, pheasants, or ducks. Roosters, geese, peacocks, and turkeys are prohibited.
  - 2. Miniature Goats. Up to 2 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that the males are neutered. Additional miniature goats are allowed subject to the area requirement in section (8) below.
  - 3. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
  - 4. Bees. No more than 4 hives used for honey or pollination purposes, provided that they are located 25 feet from all property lines and a water source is provided on site.
  - 5. Cows, miniature cows, horses, miniature horses, sheep, goats, emus, alpacas, and llamas. Limited by the area requirement in section (8) below.
- (5) **Sanitation.** Proper sanitation shall be maintained for all animals at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals, or constitute a nuisance, which includes all of the following:
  - (a) Disposing of animal waste matter and not allowing it to accumulate;
  - (b) Compost piles that contain animal waste matter shall be located 5 feet from all property lines and be within an enclosed container or bin;
  - (c) Ensuring odors resulting from the animals are not detectable beyond property lines; and
  - (d) Storing all animal food in metal or other pest-proof containers.
- (6) **Fencing.** Fencing is required and shall be designed and constructed to confine all animals to the development site on which the animal is kept. The fence location and height are those required for fences in the applicable base and overlay zone.
- (7) **Enclosures.**
  - (a) An enclosure is required and shall be designed and constructed to provide shelter from the weather for all animals kept outdoors on the development site.
  - (b) The enclosure shall be roofed and have at least two solid sides.
  - (c) The enclosure shall comply with the required height for accessory structures in the applicable base and overlay zone.
  - (d) All structures designed and used to provide shelter for all animals shall be located at least 10 feet from all lot lines.
- (8) **Area Requirement for Animals.** Minimum area of development site per animal over 6 months of age is as follows:
  - (a) A cow or a horse: 10,000 square feet per animal.

- (b) A miniature cow, a miniature horse, a sheep, a miniature goat, a goat, an emu, an alpaca, and a llama: 5,000 square feet per animal.
- (9) **Harvesting.**
  - (a) Only chickens, fowl, or rabbits can be harvested.
  - (b) Harvesting shall occur only on the development site on which the animals are kept, and shall not occur in view from any public area or any adjacent property owned by another.
  - (c) Harvesting shall be done in a humane and sanitary manner.
  - (d) No commercial slaughterhouse shall be allowed.
- (10) **Enforcement.** Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.

Authority to Enforce Chapter 4 Through Planning and Development Enforcement Staff

**4.996      Administrative Civil Penalty.**

- (5) In addition to, and not in lieu of any other enforcement mechanism authorized by this code the city manager or designee may impose upon the person responsible for violation of sections 4.083 through 4.084, section 4.335, section 4.340 and section 4.430 of this code, an administrative civil penalty as provided by section 2.018 of this code.





## Eugene Planning Commission

Phone: 541-682-5481  
www.eugene-or.gov/pc

*Kristie Brown*

## AGENDA

**Meeting Location:**  
Atrium Building, Sloat Room  
99 West 10<sup>th</sup> Avenue  
Eugene, OR 97401

The Eugene Planning Commission welcomes your interest in this agenda item. Feel free to come and go as you please at the meeting. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the Planning Department at 541-682-5675.

### **TUESDAY, DECEMBER 11, 2012 – 6:00 P.M.**

- I. **PUBLIC HEARING: DOWNTOWN NODAL DEVELOPMENT OVERLAY ZONE CODE AMENDMENT**  
Lead City Staff: Nan Laurence, 541-682-5340
- II. **PUBLIC HEARING: URBAN ANIMAL KEEPING (FARM ANIMAL STANDARDS) CODE AMENDMENTS**  
Lead City Staff: Kristie Brown, 541-682-6041

### **Public Hearing Format for Code Amendments**

The Planning Commission will receive a brief City staff report followed by an opportunity for public comment. Time limits on testimony may be imposed. The Planning Commission may seek a response to testimony from City staff. At the end of the hearing, the Planning Commission Chair will announce whether the record is closed, the record will be held open, or the public hearing will be continued.

**Commissioners:** Steven Baker; Jonathan Belcher; Rick Duncan; Randy Hledik, Chair;  
John Jaworski; Jeffery Mills; William Randall (Vice Chair)





## **AGENDA ITEM SUMMARY**

**December 11, 2012**

**To:** Eugene Planning Commission

**From:** Nan Laurence, Community Development Division

**Subject:** Public Hearing on Land Use Code Amendment:  
Drive-Through Facilities in /ND Nodal Development Overlay Zone in the Downtown  
(City File CA 12-3)

### **ACTION REQUESTED**

Hold a public hearing on a land use code amendment related to permitted uses in the /ND overlay zone for the Downtown Plan area.

### **BRIEFING STATEMENT**

Earlier this year, as part of Envision Eugene, the City Council initiated code amendments to facilitate desired mixed use development for downtown and along transit corridors. Consistent with several strategies in the Envision Eugene proposal, the purpose of these amendments is to make compact urban development easier in the downtown, on key transit corridors, and in core commercial areas by removing regulatory barriers. These amendments are also necessary as part of the city's strategy to accommodate the city's 20 year need for commercial and multi-family housing inside the current urban growth boundary (UGB). Only the /ND code amendment is the subject of the December 11<sup>th</sup> public hearing; the remaining code amendments related to mixed use development for downtown and transit corridors will be considered as a package at a later Planning Commission public hearing.

### **BACKGROUND**

The impetus to amend the /ND overlay zone came from recommendations through Envision Eugene as well as multiple stakeholder interviews over several years. A number of elements of the overlay zone were seen as problematic, including the density requirement as well as inflexibility in the list of permitted uses. As a result, changes to this code section were a part of the package of draft code amendments going forward for review.

Earlier this fall a development opportunity surfaced for one of the sites downtown with the /ND overlay. In late October 2012, the City Council agreed to sell property in the Downtown Plan area to enable the development of Northwest Community Credit Union's regional headquarters. This development proposes a use that is in keeping with the goals and policies for downtown, including strengthening downtown as a regional center and increasing commercial activity between the core of downtown and the river. However, this development requires a drive-through facility, which is currently not allowed in the /ND even as an ancillary use for a multi-story structure. Given council's action and terms of the sale agreement, it is necessary to consider a code amendment to the /ND overlay in an expedited fashion. As a

result, this one component of the code amendment package has been pulled forward to be considered on its own with a shorter time frame for resolution. The proposed language is included as Attachment A.

The Planning Commission held a work session on November 19, 2012 to review and provide feedback on the proposal.

### **Public Notice and Testimony**

Notice of the public hearings was sent to all neighborhood organizations, the City of Springfield, Lane County, as well as community groups and individuals who have requested notice. In addition, notice was also published in the Register Guard. As of the writing of this report, no public testimony was received in response to the public hearing notice. Any testimony received prior to the public hearings will be forwarded to the Planning Commission upon receipt.

### **Applicable Criteria**

The Eugene Planning Commission shall address the relevant approval criteria from the Eugene Code (EC) in making recommendations to the Eugene City Council on the amendments, as listed below in ***bold italic***. Preliminary findings addressing the required approval criteria have been prepared by staff and are provided as Attachment B.

***EC 9.8065 Code Amendment Approval Criteria. If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:***

- (1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.***
- (2) Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.***
- (3) In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.***

### **Recommendation**

Staff recommends that the Planning Commission hold a public hearing and review the public testimony related to the proposed code amendment. Following the public hearing, the Planning Commission will deliberate on the proposed code amendment and provide a recommendation to the City Council.

Planning Commission deliberations are scheduled for December 17, 2012. A public hearing is scheduled at City Council on January 22, 2013, with action scheduled for February 11, 2013.

### **FOR MORE INFORMATION**

Nan Laurence, 541-682-5340 or [nan.laurence@ci.eugene.or.us](mailto:nan.laurence@ci.eugene.or.us)

### **ATTACHMENTS**

- A. Proposed Code Amendment Language
- B. Draft Findings

**Proposed Code Amendment**

Additions are in bold *italics* and deletions show with ~~strikeout~~

**/ND Nodal Development Overlay Zone**

**9.4250**     **Purpose of /ND Nodal Development Overlay Zone.** The /ND Nodal Development overlay zone is intended to direct and encourage development that is supportive of nodal development and to protect identified nodal development areas from incompatible development prior to adoption of nodal development plans and implementing land use regulations. An adopted development plan for a specific node may recommend the /ND Nodal Development overlay zone as the sole implementing land use regulation for all or part of a nodal development area. It is intended that each node identified by the /ND overlay zone achieve an average overall residential density of at least 12 units per net residential acre.

**9.4260**     **Procedure for Applying the /ND Nodal Development Overlay Zone.** Rezoning to apply the /ND overlay zone concurrent with a Metro Plan diagram amendment to apply the /ND Nodal Development designation shall be processed as a Type V application as provided in EC 9.7500 through EC 9.7560 Type V Application Procedures. Except as provided in EC 9.7810, rezoning to apply the /ND overlay zone to property shown as ND Nodal Development on the Metro Plan diagram shall be processed as a Type III application as provided in EC 9.7300 through EC 9.7340 Type III Application Procedures. Proceedings to apply the /ND overlay zone may be initiated only by the city council.

**9.4270**     **Applicability.** The /ND overlay zone applies to all property where /ND is indicated on the Eugene overlay zone map, except where the property is an historic property according to this land use code. The /ND requirements in EC 9.4280 and 9.4290 apply to the following:

- (1) New development on vacant land.
- (2) New structures on already developed sites, such as conversion of a parking area to a structure or demolition of a structure and construction of a new structure.
- (3) An expansion of 30% or more of the total existing building square footage on the development site; however, expansion of a structure for a use prohibited under EC 9.4280 or the expansion/addition of a drive-through facility as part of the expansion of an existing structure are prohibited.

The /ND standards in EC 9.4290 do not apply to a building alteration. The provisions of the /ND overlay zone supplement those of the applicable base zone or special area zone and other applicable overlay zones. Where overlay zone and base zone provisions conflict, the more restrictive controls.

**9.4280**     **Prohibited Uses and Special Use Limitations.**

- (1) **Prohibited Uses.**
  - (a) **Motor Vehicle Related Uses.**
    1. Car washes.
    2. Parts stores.

3. Recreational vehicle and heavy truck, sales/rental/service.
  4. Motor vehicle and motorcycle sales/rental/service.
  5. Service stations, includes quick servicing.
  6. Tires, sales/service.
  7. Transit park and ride, major or minor, except under a shared parking arrangement with another permitted use.
  8. Parking areas, where the entire lot is exclusively used for parking and does not provide shared parking for more than one development site.
- (b) Trade (Retail and Wholesale).
1. Agricultural machinery rental/sales/service.
  2. Boats and watercraft sales and service.
  3. Equipment, heavy, rental/sales/service.
  4. Manufactured dwelling sales/service/repair.
- (2) **Special Use Limitations.**
- (a) *Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, No use may include a drive-through facility, unless explicitly permitted in a refinement plan. Within the Downtown Plan Area:*
1. *Drive-through only establishments are not permitted.*
  2. *For a structure that has two or more functional floors, a drive-through facility is permitted.*
  3. *For a structure that has only one functional floor, a drive-through facility to provide financial services, pharmaceutical prescription dispensing or government services may be permitted subject to an adjustment based on the criteria at EC 9.8030(16).*
- (b) No new building designed to be occupied by retail uses may exceed 50,000 square feet of building area on the ground floor and only one such new building may contain 50,000 square feet of building area on the ground floor.

**9.4290** **Density and Development Standards.** In addition to the requirements of the base zone, the following standards shall apply:

- (1) **Minimum Residential Density and Floor Area Ratio (FAR).**
- (a) Where the base zone is R-1 or R-1.5, new subdivisions shall achieve a minimum residential density of 8 units per net acre. Minimum residential density in R-2 shall be 15 units per net acre; in R-3 it shall be 25 units per net acre; and in R-4 it shall be 30 units per net acre.
  - (b) Where the base zone is C-1, C-2, C-3, or GO, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be 1.0 FAR (1.0 square feet of floor area to 1 square foot of the development site).
  - (c) Where the base zone is C-4, I-1, I-2, or I-3, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be .40 FAR (.40 square feet of floor area to 1 square foot of the development site).
- (2) **Building Setbacks.**
- (a) Buildings shall be set back a maximum of 15 feet from the street. There is no minimum setback.

- (b) Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standard on only one of the streets.
- (3) **Parking Between Buildings and the Street.** Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and a street. For sites that abut a street, parking may be located at the rear of the building or on 1 or both sides of a building when at least 60 percent of the site frontage abutting the street (excluding required interior yards) is occupied by a building and/or an enhanced pedestrian space with no more than 20 percent of the 60 percent in enhanced pedestrian spaces, as described in EC 9.4530(3)(c). For purposes of determining the percent of site frontage, the building or enhanced pedestrian space shall be within 15 feet of the street.
- (4) **Adjustments.** Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, an adjustment to any of the standards in this section may be made for /ND parcels with no alley access or with physical or legal constraints pursuant to the criteria beginning at EC 9.8015 of this land use code. Adjustments to this section may be made for any parcel within the Downtown Plan Area based on the criteria at EC 9.8030(16).

**9.8030 Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.

- (16) **Downtown Plan Area.** Where this land use code provides that a development standard applicable within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following:
  - (a) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:
    - 1. A building orientation, massing, articulation and façade that contribute positively to the surrounding urban environment; and
    - 2. An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.
  - (b) Impacts to any adjacent residentially-zoned property are minimized. Design elements for this purpose may include treatment of building massing, setbacks, screening and landscaping.
  - (c) For adjustments pursuant to EC 9.2171(13) only, placing utilities underground would be unreasonably onerous to the applicant.



## Findings of Consistency

### Drive-Through Facilities in the /ND Nodal Development Overlay Zone within the Downtown Plan

(City File CA 12-3)

**Code Amendment** Eugene Code Section 9.8065 requires that the following approval criteria (in bold and *italics*) be applied to a code amendment:

- (1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.***

**Goal 1 - Citizen Involvement.** *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City has acknowledged provisions for citizen involvement which ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The process for adopting this amendment was consistent with the City's requirements and provided numerous additional opportunities for interested parties to participate in development of the amendments.

The Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations, community groups and individuals who have requested notice, as well as to the City of Springfield and Lane County. In addition, notice of the public hearing was also published in the Register Guard. The City Council will hold a duly noticed public hearing to consider approval, modification, or denial of the code amendments. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the proposed ordinance is consistent with Statewide Planning Goal 1.

**Goal 2 - Land Use Planning.** *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

The Eugene Land Use Code specifies the procedure and criteria that are to be used in considering this amendment to the code. The record for this amendment includes substantial factual information supporting the proposed ordinance. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of this amendment with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development. There are no Goal 2 Exceptions required for these amendments. Therefore, the

amendment is consistent with Statewide Planning Goal 2.

*Goal 3 - Agricultural Lands. To preserve agricultural lands.*

The amendment is for property located within the urban growth boundary and does not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

*Goal 4 - Forest Lands. To conserve forest lands.*

The amendment is for property located within the urban growth boundary and does not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

*Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. To conserve open space and protect natural and scenic resources.*

OAR 660-023-0250(3) provides: *Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:*

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

The amendment does not create or amend the city's list of Goal 5 resources, does not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, does not allow new uses that could be conflicting uses with a significant Goal 5 resource site and does not amend the acknowledged UGB. Therefore, Statewide Planning Goal 5 does not apply.

*Goal 6 - Air, Water and Land Resource Quality. To maintain and improve the quality of the air, water and land resources of the state.*

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendment does not affect the City's ability to provide for clean air, water or land resources. Therefore, the amendment is consistent with Statewide Planning Goal 6.

*Goal 7 - Areas Subject to Natural Disasters and Hazards. To protect life and property from natural disasters and hazards.*

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, land slides, earthquakes and related hazards, tsunamis and wildfires. Goal 7 prohibits a development in natural hazard areas without



appropriate safeguards. The amendment does not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendment does not allow for new development that could result in a natural hazard. Therefore, the amendment is consistent with Statewide Planning Goal 7.

*Goal 8 - Recreational Needs.* *To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The code amendment does not affect the city's provisions for recreation areas, facilities or recreational opportunities. Therefore, the amendment is consistent with Statewide Planning Goal 8.

*Goal 9 - Economic Development.* *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Land Study (October 1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and its Administrative Rule. The amendment does not impact the supply of industrial or commercial lands.

The amendment modifies the list of allowable uses for the /ND overlay zone, which increases the possibility for development or redevelopment of properties within this overlay zone for commercial uses. Therefore, the amendment is consistent with Statewide Planning Goal 9.

*Goal 10 - Housing.* *To provide for the housing needs of citizens of the state.*

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The amendment does not impact the supply of residential lands. Therefore, the amendment is consistent with Statewide Planning Goal 10.

*Goal 11- Public Facilities and Services.* *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The amendment does not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

*Goal 12- Transportation.* *To provide and encourage a safe, convenient and economic transportation system.*

Statewide Planning Goal 12 is implemented through the Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule OAR 660-012-0000, et seq. The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) provides the regional policy framework through which the TPR is implemented at the local level.

The Transportation Planning Rule (OAR 660-012-0060) contains the following requirement:

- (1) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility....*
- (2) *A plan or land use regulation amendment significantly affects a transportation facility if it:*
  - (a) *Changes the functional classification of an existing or planned transportation facility;*
  - (b) *Changes standards implementing a functional classification system;*
  - (c) *Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
  - (d) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP*

The proposed amendment does not change the functional classification of an existing or planned transportation facility, does not change the standards implementing a functional classification, do not allow types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility and will not reduce the performance standards of a facility below the minimal acceptable level identified in the TSP. The level of development currently permitted through existing code and zoning regulations will remain the same as a result of this amendment. Therefore, the amendment is consistent with Statewide Planning Goal 12.

*Goal 13 - Energy Conservation.* *To conserve energy.*

Statewide Planning Goal 13 calls for land uses to be managed and controlled "so as to maximize the conservation of all forms of energy, based upon sound economic principles." Goal 13 is directed at the development of local energy policies and implementing provisions and does not state requirements with respect to other types of land use decisions. The amendment does not affect any of the City's energy conservation measures or programs. Therefore, Statewide Planning Goal 13 does not apply.

*Goal 14 - Urbanization.* *To provide for an orderly and efficient transition from rural to urban land use.*

The amendment does not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

*Goal 15 - Willamette River Greenway.* *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The amendment does not contain any changes that affect the regulation of areas within the Willamette River Greenway. Therefore, Statewide Planning Goal 15 does not apply.

Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

There is no coastal, ocean, estuarine, or beach and dune resources related to the properties affected by the amendment. Therefore, these goals are not relevant and the amendment will not affect compliance with Statewide Planning Goals 16 through 19.

**(2) *The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.***

**Applicable Metro Plan Policies**

The following policies from the *Metro Plan* (identified below in *italics*) are applicable to these code amendments. Based on the findings provided below, the proposal is consistent with and supported by the applicable provisions of the *Metro Plan*.

**B. Economic Element**

*B.11 Encourage economic activities, which strengthen the metropolitan area's position as a regional distribution trade, health, and service center.*

The amendment will increase the permitted commercial uses with the /ND Nodal Development Overlay Zone within the Downtown Plan area. The amendment will allow for increased development and economic activity and is therefore consistent with this policy.

*B.14 Continue efforts to keep the Eugene and Springfield central business districts as vital centers of the metropolitan area.*

The amendment applies specifically to the Downtown Plan area. The amendment will encourage economic activities by increasing the flexibility of the /ND Nodal Development Overlay Zone to increase permitted commercial uses within downtown, Eugene's central business district and is therefore consistent with this policy.

**F. Transportation Element**

*F.3 Provide for transit-supportive land use patterns and development, including higher intensity, transit-oriented development along major transit corridors and near transit stations; medium-and high-density residential development within ¼ mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit.*

By increasing the permitted commercial uses in the /ND Nodal Development Overlay Zone the

amendment will allow for increased development and economic activity within downtown. Increased commercial development in downtown supports a transit-supportive land use pattern because of the location and the existing and planned transit routes within downtown.

**Applicable Adopted Refinement Plans**

The Eugene Downtown Plan is the applicable adopted refinement plan and contains policies that are applicable to this code amendment.

The applicable policies from the Eugene Downtown Plan (in *italics*) are addressed below. Based on the findings, the proposal is consistent with and supported by the applicable provisions of this plan.

**Eugene Downtown Plan**

*Strong Regional Center Policy 1: Build upon downtown's role as the center for government, commerce, education and culture in the city and the region.*

Consistent with this policy, the amendment will allow additional commercial development in downtown to support downtown's role as the center for commercial activity in the region.

*Strong Regional Center Policy 2: Downtown development shall support the urban qualities of density, vitality, livability and diversity to create a downtown, urban environment.*

Consistent with this policy, the amendment will allow additional commercial development in downtown to increase the density of development within the core area of Eugene.

*Downtown Riverfront Policy 4: Facilitate dense development in the Courthouse area and other sites between the core of downtown and the river.*

Properties where the /ND overlay zone currently apply are in close proximity to the river. The proposed code amendment will support commercial development adding to the density of development between downtown and the river.

**(3) *The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.***

The amendment does not establish a special area zone. Therefore, this criterion does not apply.

## AGENDA ITEM SUMMARY

December 11, 2012

**To:** Eugene Planning Commission

**From:** Kristie Brown, Building & Permit Services Division

**Subject:** Public Hearing on Land Use Code Amendments: Urban Animal Keeping Standards (City File CA 12-2)

### ACTION REQUESTED

Hold a public hearing on a package of land use code amendments related to urban animal keeping standards (formerly referred to as farm animal standards).

### BRIEFING STATEMENT

Earlier this year, the City Council initiated code amendments related to urban animal keeping standards on residential land. The purpose of these amendments is to make changes and clarifications to the land use code (Eugene Code Chapter 9) which will help increase opportunities for urban farming on residential lands within the city limits. This action will help to implement one of the seven pillars of Envision Eugene: "Climate Change and Energy Resiliency". In addition, these amendments are listed as a high priority action in the City's Climate and Energy Action Plan, which is supported by the City's Food Security Scoping and Resource Plan. While farm animals are currently allowed in residential zones, these amendments are intended to increase the number of farm animals allowed in an urban setting, while still addressing neighborhood livability issues.

### BACKGROUND

In February 2009, the Eugene City Council reviewed recommendations from the Eugene Sustainability Commission and adopted a motion directing staff to complete a Food Security and Resource Plan. Completed in 2012, the plan includes recommendations for community and City-led actions related to urban agriculture. These recommendations were incorporated into two city-wide planning processes: the Community Climate and Energy Action Plan (CEAP) and Envision Eugene. As a result, the city identified land use code barriers to increasing urban agriculture activities, including farm animal and micro-livestock keeping. To remove these barriers, the City Council directed staff to prepare amendments to the existing land use code regarding farm animal standards.

Staff started by using the Food Security Scoping and Resource Plan as a basis and comparing those recommendations to animal keeping codes from a broad range of other cities. From this work, a set of code concepts were identified and reviewed by several community stakeholders with expertise in the field. The concepts were also distributed to City staff for review to ensure consistency with other codes and programs. Staff from planning, land use, code enforcement, and the city attorney's office have provided specific comments on the proposals. Based on this feedback, a city staff team drafted code language addressing the farm animal standards and proposed a renaming of these standards to "urban animal keeping" to help clarify the intent. The proposed code language is provided as Attachment A. The current urban animal keeping (farm animal) standards are included as Attachment B.

A website devoted to the project was created in mid-November 2012, and a news release was sent out by the City to inform the broader public about the draft code amendments. The neighborhood associations were provided information about the code amendments, including the website, and were also sent notice of the public hearing. The Planning Commission held a work session on November 19, 2012 to review and provide feedback on the proposals.

### **Public Notice and Testimony**

Notice of the public hearing was sent to all neighborhood organizations, the City of Springfield, Lane County, as well as community groups and individuals who have requested notice. In addition, notice was also published in the Register Guard. As of the writing of this report, the city has received public testimony from ten people in response to the public hearing notice. This testimony is provided as Attachment C. Any additional testimony received prior to the public hearing will be forwarded to the Planning Commission.

### **Applicable Criteria**

The Eugene Planning Commission shall address the relevant approval criteria from the Eugene Code (EC) in making recommendations to the Eugene City Council on the amendments, as listed below in ***bold italic***. Preliminary findings addressing the required approval criteria have been prepared by staff and are provided as Attachment D.

***EC 9.8065 Code Amendment Approval Criteria. If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:***

- (1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.***
- (2) Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.***
- (3) In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone***

### **Recommendation**

Staff recommends that the Planning Commission hold a public hearing and review the public testimony related to these proposed code amendments. Following the public hearing, the Planning Commission will deliberate on the proposed code amendments and provide a recommendation to the City Council. Planning Commission deliberations are scheduled for December 17, 2012. The City Council is tentatively scheduled to hold a public hearing on January 22, 2013 on the proposed code amendments. Action will be scheduled following the public hearing.

### **FOR MORE INFORMATION**

Kristie Brown, 541-682-6041 or [kristie.a.brown@ci.eugene.or.us](mailto:kristie.a.brown@ci.eugene.or.us)

### **ATTACHMENTS**

- A. Proposed Urban Animal Keeping Code Language
- B. Existing Farm Animal Standards
- C. Public Testimony
- D. Draft Findings

## PROPOSED CODE LANGUAGE

### Urban Animal Keeping Standards

November 26, 2012

**9.5250 Urban Animal Keeping Standards.**

- (1) Purpose.** The purpose of these standards is to allow for increased opportunities for residential urban animal keeping and farming within the city limits, while encouraging compatibility within the urban environment. Animal keeping is the practice of raising domesticated animals that are used primarily as food or product sources.
- (2) Application of Standards.** In addition to applicable provisions contained elsewhere in this land use code, all of the following standards are applicable to the keeping of an animal.
- (3) General Standards.**
  - (a) Animals not addressed in this section are not permitted under the "Urban Animal Keeping" use category.
  - (b) Except for animals kept on-site by an educational or religious institution, the person responsible for keeping an animal shall reside on or adjacent to the development site on which the animal is kept.
  - (c) Roosters, geese, peacocks, and turkeys are prohibited.
- (4) Animals Allowed.**
  - (a) On development sites of less than 20,000 square feet and located in a zone that allows "Urban Animal Keeping", all of the following are allowed:
    - 1. Chickens. Up to 6 female chickens over six months of age.
    - 2. Rabbits and Domestic Fowl. Up to 6 of any combination of rabbits or domestic fowl over six months of age, not including chickens. Examples of domestic fowl are quails, pheasants, or ducks.
    - 3. Miniature Goats. Up to 2 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that the males are neutered.
    - 4. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
    - 5. Bees. Up to 2 hives used for honey or pollination purposes, provided that they are located 15 feet from all property lines and a water source is provided on site.
  - (b) On development sites 20,000 square feet or greater and located in a zone that allows "Urban Animal Keeping", all of the following are allowed:

1. Chickens, Rabbits, and Domestic Fowl. There is no limit on the number of female chickens, rabbits, or domestic fowl. Examples of domestic fowl are quails, pheasants, or ducks.
2. Miniature Goats. Up to 2 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that the males are neutered. Additional miniature goats are allowed subject to the area requirement in section (10) below.
3. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
4. Bees. No more than 4 hives used for honey or pollination purposes, provided that they are located 25 feet from all property lines and a water source is provided on site.
5. Cows, miniature cows, horses, miniature horses, sheep, goats, emus, alpacas, and llamas. Limited by the area requirement in section (10) below.
- (5) **Care of Animals.** No person shall subject an animal to cruel mistreatment or cruel neglect. This includes, depriving an animal of necessary food, drink, shelter, sanitation, space, exercise, and veterinary treatment; abandonment of an animal; and willfully torturing and inflicting inhumane injury or pain on an animal.
- (6) **Sanitation.** Proper sanitation shall be maintained for all animals at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals, or constitute a nuisance, which includes all of the following:
  - (a) Disposing of animal waste matter and not allowing it to accumulate;
  - (b) Compost piles that contain animal waste matter shall be located 5 feet from all property lines and be within an enclosed container or bin;
  - (c) Ensuring odors resulting from the animals are not detectable beyond property lines; and
  - (d) Storing all animal food in metal or other pest-proof containers.
- (7) **Noise.** All persons keeping animals may not keep an animal that makes frequent or long continued noise within a sustained 15-minute period or it shall constitute a noise disturbance.
- (8) **Fencing.** Fencing is required and shall be designed and constructed to confine all animals to the development site on which the animal is kept. The fence location and height are those required for fences in the applicable base and overlay zone.
- (9) **Enclosures.**
  - (a) An enclosure is required and shall be designed and constructed to provide shelter from the weather for all animals kept outdoors on the development site.
  - (b) The enclosure shall be roofed and have at least two solid sides.



- (c) The enclosure shall comply with the required height for accessory structures in the applicable base and overlay zone.
- (d) All structures designed and used to provide shelter for all animals shall be located at least 10 feet from all lot lines.
- (10) Area Requirement for Animals.** Minimum area of development site per animal over 6 months of age is as follows:
  - (a) A cow or a horse: 10,000 square feet per animal.
  - (b) A miniature cow, a miniature horse, a sheep, a miniature goat, a goat, an emu, an alpaca, and a llama: 5,000 square feet per animal.
- (11) Harvesting.**
  - (a) Only chickens, fowl, or rabbits can be harvested.
  - (b) Harvesting shall occur only on the development site on which the animals are kept, and shall not occur in view from any public area or any adjacent property owned by another.
  - (c) Harvesting shall be done in a humane and sanitary manner.
  - (d) No commercial slaughterhouse shall be allowed.
- (12) Enforcement.** Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.



## EXISTING CODE LANGUAGE

### Farm Animal Standards

- 9.5250**     **Farm Animal Standards.** All of the following standards are applicable to farm animals:
- (1) **Farm Animals Allowed:**
    - (a) Except as provided in subsection (1)(b) below, up to 2 adult rabbits or fowl (no roosters) over 6 months of age are allowed in any residential zone.
    - (b) Rabbits, fowl (no roosters), cows, horses, sheep, goats, emus, and llamas are allowed in AG and R-1. There is no limit on the number of fowl (no roosters) or rabbits over 6 months of age permitted in AG and R-1 provided they are on a development site that contains at least 20,000 square feet and they meet the farm animal standards.
  - (2) **Sanitation:** Proper sanitation shall be maintained for all farm animals. Proper sanitation includes:
    - (a) Not allowing farm animal waste matter to accumulate,
    - (b) Taking necessary steps to be sure odors resulting from farm animals are not detectable beyond property lines, and
    - (c) Storing all farm animal food in metal or other rodent-proof containers.
  - (3) **Fencing:** Shall be designed and constructed to confine all farm animals to the owner's property.
  - (4) **Setbacks:** All structures that house farm animals shall be located at least 25 feet from all existing residences (except the animal owner's) and at least 10 feet from interior lot lines.
  - (5) **Minimum Lot Size and Area for Large Animals:**
    - (a) Minimum lot size of 20,000 square feet for cows, horses, sheep, goats, emus, and llamas.
    - (b) Minimum area per animal over 6 months of age:
      - Cows, horses: 10,000 square feet
      - Sheep, goats, emus, and llamas: 5,000 square feet



**BROWN Kristie.A**

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**From:** Kristi Rimer <kristirimer@live.com>  
**Sent:** Friday, July 13, 2012 8:19 AM  
**To:** BROWN Kristie A; ZUNNO Catherine C  
**Subject:** Minature Pigs

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi,

my name is Kristi Rimer, I was refereed to you Ethan A Nelson. He said that you are more knowledgeable about the current zoning laws then he is and may be able to help me out.

I am keep up to date on the issues of trying to legalize some smaller and miniaturized farm animals in the city of Eugene.

My boyfriend and I have recently bought a house in Eugene and would like to move soon but I have a small 48 pound mini pig as a pet. She is full grown. I have a few questions, I know that dependent on the size of the lot I am living on she may be permitted, and I also know that some people are permitted to raise a single piglet in there back yard in agreement with noise and health coding until it has reached the weight for slaughter at about 100 pounds or so.

My piglet will never reach that weight as I said she is miniature and will not pass 48 pounds. I am wondering if she would be permitted?....though she will never be slaughtered. as stated before she is my pet. Or if there is a permit that I might purchase in order to have her? Also i was hoping you could give me an update on how the zoning law meetings for miniature animals to be in the city is Progressing.

I hope you Understand how important this is to me. She is my whole world. I hope to hear from you soon.

Thank you so much

Kristi Rimer

541 513 3679 (primary)

541 654 2700 (secondary)

[KristiRimer@live.com](mailto:KristiRimer@live.com) (email)

**BROWN Kristie A**

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**From:** Eugene Backyard Farmer <info@eugenebackyardfarmer.com>  
**Sent:** Tuesday, November 06, 2012 11:27 AM  
**To:** BROWN Kristie A  
**Subject:** Turkeys

Hi Kristie:

Thank you again for bringing me into the conversation regarding proposed urban farming regulations.

Regarding turkeys, I have spoken to several people who have raised one or two for Thanksgiving and they say they are no more noisy than a hen.

The standard breed is the double broad breasted and they take 4 months to grow to butcher weight. Just like chickens they can be sexed and the hens will be lighter. And by the time the toms are old enough to assert themselves and make noise, it is almost time for Thanksgiving. There are also several heritage breeds available and like chickens, they can be sexed to insure a 85% likelihood of being a hen. They are smaller and take six months to be butcher weight.

I was also looking over my notes and I am not sure I expressed myself well enough when it comes to mini goats. Goats are heard animals and do best in a group. Two or three is the ideal backyard number. If raised alone, one goat will be very noisy. Their cry is loud and sounds eerily like a small child crying (and not the good "I am hungry, feed me" cry but rather "I am having a meltdown" cry).

Thanks again for your time and please feel free to let me know when public meetings are scheduled.

Bill

—  
Eugene Backyard Farmer  
501 Washington St  
Eugene, OR 97401  
541-485-3276  
[www.eugenebackyardfarmer.com](http://www.eugenebackyardfarmer.com)

**BROWN Kristie A**

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**From:** amy beller <belqueen@efn.org>  
**Sent:** Wednesday, November 07, 2012 11:32 AM  
**To:** BROWN Kristie A  
**Subject:** backyard bees

Hello Kristie,

I'm writing to say that bees are an asset to Eugene. We have 4 backyard beekeepers in my neighborhood and everyone I talk to is so happy to know that we have bees. Our next door neighbors makes sure their bird bath has water in it everyday in the summer just so they'll come to their yard (not that they wouldn't of course, but I think people in general are worried about all the problems bees have been having over the past few years, and they like the idea that they are helping keep bees healthy and working in our gardens).

We have one hive in our yard, and that is enough for us. It seems to me that 2 hives in a city backyard would be just fine. Personally, 4 seems like a bit much for in town only because not everyone knows that **when bees are swarming, they are extremely non-aggressive**. Honey bees are very non-aggressive anyway, but are often lumped together with yellow-jackets, wasps and hornets, all of which are very aggressive and nasty. You have to really go out of your way to get a bee to sting you, unless it's accidental as in stepping on one. Honey bees only sting if they are threatened, especially if their home is threatened. When bees are swarming, they don't have a home to protect and so are really not a danger to people or pets (again, unless you go after them aggressively).

So, please consider this email in support of raising the number of hives a backyard beekeeper is allowed to have in the city of Eugene.

Thank you,

Amy Beller  
Lane Co. Beekeepers Assoc. member

**BROWN Kristie A**

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**From:** Nancy Ellen Locke <n\_e\_locke@hotmail.com>  
**Sent:** Tuesday, November 13, 2012 8:31 AM  
**To:** FAN Board  
**Cc:** BROWN Kristie A; mail@eugenefriendlyfarmers.ning.com  
**Subject:** CLIFF NOTES FOR PROPOSED CODE LANGUAGE, Farm Animal Standards, November 13th, 2012

**PER YOUR REQUEST  
AT THE NOVEMBER 11, 2K12  
MONTHLY FAN EXECUTIVE BOARD MEETING  
WASHINGTON PARK COTTAGE\*  
Nancy Ellen Locke**

**\* Has had other names in the past**

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**From:** n\_e\_locke@hotmail.com  
**To:** kristie.a.brown@ci.eugene.or.us; mail@eugenefriendlyfarmers.ning.com  
**CC:** fanboard@googlegroups.com  
**Subject:** (FANBoard) PROPOSED CODE LANGUAGE, Farm Animal Standards, November 10th, 2012  
**Date:** Mon, 12 Nov 2012 01:52:39 +0000

Dear Kristie A Brown & Anne Donahue,

Thank You for requesting my input on the Proposed Code Language, Farm Animal Standards document.

I was given considerable input from my daughter Ruth Klein - who has just recently put the Farm Animal Standards together for the City of Hillsboro, Oregon.

This is a minor re-write of your document.

Hope that this helps you ladies out,

Nancy Ellen Locke, Current FAN Board Member

**PROPOSED CODE LANGUAGE  
Farm Animal Standards  
November 10th, 2012**

9.5250 Farm Animal Standards. The purpose of these standards is to allow for increased opportunities for residential urban farming within the city limits, while encouraging compatibility



within the urban environment. For purposes of this section, farm animals shall include, but are not limited to; fowl, rabbits, goats, horses, cattle, sheep, llamas, emu, alpacas, swine, and bee hives; excluding dogs and cats. All of the following standards are applicable to the keeping of farm animals:

(1) General:

Consider the following: \* Require all persons keeping farm animals to reside on or adjacent to the development site on which the animals are kept, include exception for school & church uses \* No roosters, geese, peacocks, turkeys or other similar loud fowl

(a) Except for school and church uses, all persons keeping farm animals shall reside on or adjacent to the development site on which the animals are kept.

(b) Roosters, geese, peacocks, turkeys, and other similar loud fowl are prohibited.

(2) Farm Animals Allowed:

Farm Animals  
Allowed (Less  
than 20,000 sq.ft  
development site)

Consider allowing the following: \* Permitted outright in R-1, R-2, R-3, R-4, AG agricultural, and all special area zones which allow residential uses: \* Up to 6 chickens over 6 months of age \* Up to 6 of any combination of rabbits or domestic fowl (not including chickens) over 6 months of age \* Up to 2 miniature goats, provided that they are dehorned and the males are neutered \* No more than 1 miniature pig up to 150 pounds \* Up to 2 bee hives; w/ water source

(a) Development sites less than 20,000 square feet and located in R-1, R-2, R-3, or R-4 Residential zones, AG agricultural, and all special area zones which allow residential uses, are allowed all of the following:

1. Chickens. Up to 6 female chickens over six months of age.
2. Rabbits and Domestic Fowl. Up to 6 of any combination of rabbits or domestic fowl over six months of age, not including chickens.
3. Miniature Goats. Up to 2 miniature goats, commonly known as Pygmy, Dwarf, and Miniature Goats, provided that they are dehorned and the males are neutered.
4. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
5. Beekeeping. Up to 2 hives used for honey or pollination purposes, provided that they are located 15 feet from all property lines and a water source is provided on site.

\*Farm Animals  
Allowed (20,000  
sq.ft or greater  
development site)

Consider allowing all the following in R-1, R-2, AG agricultural, and all special area zones which allow residential uses: \* Chickens, rabbits and domestic fowl (no limit) \* Up to 2 miniature goats provided that they are dehorned and the males are neutered. Additional goats are allowed subject to the minimum area requirement \* No more than 1 miniature pig up to 150 pounds \* Up to 4 bee hives; w/ water source \* Cows, horses, sheep, goats, emus, alpacas, and llamas subject to the minimum area requirement

(b) Development sites 20,000 square feet or greater and located in R-1 or R-2 residential zones, AG

agricultural, and all special are ones which allow residential uses, allowed all of the following:

1. Chickens, Rabbits, and Domestic Fowl. There is no limit on the number of female chickens, rabbits, or domestic fowl.
2. Miniature Goats. Up to 2 miniature goats, commonly known as Pygmy, Dwarf, and Miniature Goats, provided that they are dehorned and the males are neutered. Additional miniature goats are allowed subject to the area requirement in section (9) below.
3. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
4. Beekeeping. No more than 4 hives used for honey or pollination purposes, provided that they are located 25 feet from all property lines and a water source is provided on site.
5. Cows, miniature cows, horses, miniature horses, sheep, goats, emus, alpacas, and llamas. Limited by the area requirement in section (9) below.

\*Prohibits mistreatment and neglect of farm animals

(3) Care of Animals. No person shall subject any animal to cruel mistreatment or cruel neglect. This includes, but not limited to; depriving any animal of necessary food, drink, shelter, sanitation, space, exercise, and emergency veterinary treatment; pain on any animal.

\*Clarify/strengthen requirements: \* Add language regarding the purpose of the sanitation standards \* Add language regarding disposal of animal waste

(4) Sanitation. Proper sanitation shall be maintained for all farm animals at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals or constitute a nuisance, which includes all of the following:

- (a) Disposing of animal waste matter and not allowing it to accumulate;
- (b) Ensuring odors resulting from the animals are not detectable beyond property lines; and
- (c) Storing all food in metal or other pest-proof containers.

\*Add requirements in Chapter 9: \* Animals that make frequent or long, continued noise on a sustained basis during a 15-minute period shall constitute a noise disturbance

(5) Noise. All persons keeping farm animals may not keep an animal that makes frequent or long, continued noise on a sustained basis during a 15-minute period shall constitute a noise disturbance.

\*Clarify/strengthen requirements: \* Fencing is required \* Fencing must meet applicable base & overlay zone standards related to height and setback

(6) Fencing. Fencing is required and shall be designed and constructed to confine all farm animals to the owner's property. The fence type, location, and height are those required for fences in the applicable base and overlay zone.

\* Requires enclosure which provides shelter for all farm animals, which is roofed and at least two sided \* Enclosure must meet applicable base & overlay zone standards related to height and setback

(7) Enclosures. An enclosure is required and shall be designed and constructed to provide shelter for all farm animals. The enclosure location and height are those required for accessory structures in the applicable base and overlay zone.

\* Structures are required to be 15 feet from residences on adjacent lots \* Structures must meet setback requirements of base & overlay zone \* Bee hives shall be a minimum of 15 feet from property line if lot is less than 20,000 sq. ft. and 25 feet if lot is 20,000 sq. ft. or greater

(8) Required Setbacks. All structures designed and used to provide shelter for farm animals shall be located at least 15 feet from all existing residences on adjacent lots, while complying with those

required setbacks for accessory structures in the applicable base and overlay zone.

\*No change proposed

(9) Minimum Lot Size. Minimum lot size of 20,000 square feet in order to keep cows, horses, sheep, goats, emus, alpacas, and llamas.

\*Add minimum area of 5,000 sq. ft. for miniature cows, miniature horses, miniature goats, and alpacas

(10) Area Requirement for Animals. Minimum area of development site per animal over 6 months of age:

(a) Cows and horses: 10,000 square feet

(b) Miniature cows, miniature horses, sheep, miniature goats, goats, emus, alpacas, and llamas: 5,000 square feet

\*Chickens, fowl, and rabbits may be slaughtered on site out of view of public areas and adjacent property

(11) Harvesting. Only chickens, fowl, and rabbits may be slaughtered on site in a humane and sanitary manner as long as it is not done in view from any public area or any adjacent property owned by another.

**BROWN Kristie A**

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**From:** Greg Norman <normgr00@yahoo.com>  
**Sent:** Thursday, November 15, 2012 11:50 AM  
**To:** BROWN Kristie A  
**Subject:** Farm Animals/Micro Livestock

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I suggest a refinement to the Farm Animals/Micro Livestock rules so that the rules for rabbits are set to reflect the process of raising rabbits for food. It can be done with the currently proposed two bunny limit but is discouraging for those that would want to try.

The best regulation would allow 3 rabbits and have an exception for the offspring under 6 months of age.

This is how it plays out in the yard. You need one buck who mostly just eats and produces little. You have two does that take turns producing offspring. With only one female the feed costs are not so economical because half goes to the unproductive male. Then of course you need to raise the offspring until they are ready to harvest.

Why adding the third rabbit to the limit will not create a problem:

- 1) Rabbits are completely quiet unlike chickens. No one even knows they are there.
- 2) Rabbit manure smells less than chicken manure. (It is also less hot and can be added to the garden without first composting. It is the best livestock manure for gardens because of this fact.)
- 3) Rabbits require much less space than a chicken to be happy and healthy.

Please feel free to contact me if you have any questions on rabbits. I have extensive experience raising backyard rabbits. I currently do not do it but look forward to assisting others in this rewarding hobby.

Best Regards,  
Greg Norman  
541-343-3890  
4485 Larkwood St.  
Eugene

**BROWN Kristie A**

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**From:** Pamela Seaver <pamseaver2000@yahoo.com>  
**Sent:** Sunday, November 18, 2012 3:17 PM  
**To:** BROWN Kristie A  
**Subject:** Testimony regarding Bee Hives

We are writing in support of the proposed ordinance which will allow 2 bee hives per properties of 20,000 square feet or smaller. We are backyard beekeepers as well as members of the Lane County Beekeeper Association.

We know the importance of having honey bees for pollination of fruits, vegetables and flowers. We have grown to admire the remarkable qualities of these creatures and as backyard gardeners also, we have enjoyed the bounty that has increased with introduction of bees in the yard.

One of greatest reasons to support backyard beekeeping is the colonies of wild bees have been wiped out by urbanization, pesticides, parasitic mites and some diseases particular to bees. Today's beekeeper has become vital to reestablish lost colonies of bees and to offset the natural decrease in pollination by wild bees. We beekeepers are learning how to treat for disease, how to protect our colonies, how to expand our populations and we share this information with fellow beekeepers.

We understand some of the concerns of people not familiar with the benefits of honeybees. In addition, many people combine wasps, hornets, yellow jackets into the same category as honeybees. Yes they all have wings, can sting or bite inflicting pain or an allergic reaction, however, when studied, honeybees are known to be non-aggressive and do not sting without reason.

The Lane County Beekeeper Association meets monthly. They encourage members to provide information to the community regarding honeybees. We would suggest when people call the city with concerns over honeybees that they be directed to call the LCBA to talk with someone with firsthand knowledge of bees and issues regarding them.

Thank you for taking our statement in support of the proposal.

Lester and Pam Leavitt  
1325 Brickley Road  
Eugene, Oregon 97401  
541-344-4228

**BROWN Kristie A**

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**From:** jcbc60@aol.com  
**Sent:** Monday, November 19, 2012 10:01 PM  
**To:** BROWN Kristie A  
**Cc:** jcbc60@aol.com  
**Subject:** Eugene Ordinance

Kristie,

I'm a backyard beekeeper and I have seen the benefits the honey bees have given over the last 9 season to my garden as well as the neighbors. The honey bee is normally not aggressive, unless they are cornered even when they swarm you can move the cluster from a branch, house, eave or other places as they search for a new home.

This last summer we received 38 calls to remove swarms in Eugene, Springfield, Junction City and Veneta to Walterville and Cottage Grove. **The new Ordinance would allow me to bring a new swarm to my yard, making sure they are a strong hive before moving them to local orchards, berry patches and other food crops.**

I have given some hives to new beekeepers helping them learn to care and protect the hive. Many harvested some pure honey from their own new hive.

Thank you;

Jerry Carter  
2172 Dewey street  
Eugene 97402

## PROPOSED CODE LANGUAGE

### Farm Animal Standards

November 5, 2012

9.5250 **Farm Animal Standards** The purpose of these standards is to allow for increased opportunities for residential urban farming within the city limits, while encouraging compatibility within the urban environment. For purposes of this section, farm animals shall include, but are not limited to; fowl, rabbits, goats, horses, cattle, sheep, llamas, emu, alpacas, swine, and bee hives; excluding dogs and cats. All of the following standards are applicable to the keeping of farm animals:

(1) **General:**

- (a) Except for school and church uses, all persons keeping farm animals shall reside on or adjacent to the development site on which the animals are kept.
- (b) Roosters, geese, peacocks, turkeys, and other similar loud fowl are prohibited.

(2) **Farm Animals Allowed:**

- (a) **Development sites less than 20,000 square feet** and located in R-1, R-2, R-3, or R-4 Residential zones, AG agricultural, and all special area zones which allow residential uses, are allowed all of the following:
  - 1. Chickens. Up to 6 female chickens over six months of age.
  - 2. Rabbits and Domestic Fowl. Up to 6 of any combination of rabbits or domestic fowl over six months of age, not including chickens.
  - 3. Miniature Goats. Up to 2 miniature goats, commonly known as Pygmy, Dwarf, and Miniature Goats, provided that they are dehorned and the males are neutered.
  - 4. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
  - 5. Beekeeping. Up to 2 hives used for honey or pollination purposes, provided that they are located 15 feet from all property lines and a water source is provided on site.
- (b) **Development sites 20,000 square feet or greater** and located in R-1 or R-2 residential zones, AG agricultural, and all special area zones which allow residential uses, are allowed all of the following:
  - 1. Chickens, Rabbits, and Domestic Fowl. There is no limit on the number of female chickens, rabbits, or domestic fowl.
  - 2. Miniature Goats. Up to 2 miniature goats, commonly known as Pygmy, Dwarf, and Miniature Goats, provided that they are dehorned and the males are neutered. Additional miniature goats are allowed subject to the area requirement in section (9) below.
  - 3. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.

**Comment [R1]:** Clarify that just because the farm animals may be kept these standards still need to be followed. For example, a pot bellied pig that goes into the house.

**Comment [R2]:** Miniature and non-pot bellied. What about adding donkeys to list.

**Comment [R3]:** Odd term. Does this mean a farm lot or does it mean a site that will be developed in the future?

**Comment [R4]:** What is the smallest lot size it will cover. If a person has all of these animals that number.

4. Beekeeping. No more than 4 hives used for honey or pollination purposes, provided that they are located 25 feet from all property lines and a water source is provided on site.
5. Cows, miniature cows, horses, miniature horses, sheep, goats, emus, alpacas, and llamas. Limited by the area requirement in section (9) below.
- (3) **Care of Animals.** No person shall subject any animal to cruel mistreatment or cruel neglect. This includes, but not limited to; depriving any animal of necessary food, drink, shelter, sanitation, space, exercise, and emergency veterinary treatment; pain on any animal.
- (4) **Sanitation.** Proper sanitation shall be maintained for all farm animals at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals or constitute a nuisance, which includes all of the following:
  - (a) Disposing of animal waste matter and not allowing it to accumulate;
  - (b) Ensuring odors resulting from the animals are not detectable beyond property lines; and
  - (c) Storing all food in metal or other pest-proof containers.
- (5) **Noise.** All persons keeping farm animals may not keep an animal that makes frequent or long, continued noise on a sustained basis during a 15-minute period shall constitute a noise disturbance.
- (6) **Fencing.** Fencing is required and shall be designed and constructed to confine all farm animals to the owner's property. The fence type, location, and height are those required for fences in the applicable base and overlay zone.
- (7) **Enclosures.** An enclosure is required and shall be designed and constructed to provide shelter for all farm animals. The enclosure location and height are those required for accessory structures in the applicable base and overlay zone.
- (8) **Required Setbacks.** All structures designed and used to provide shelter for farm animals shall be located at least 15 feet from all existing residences on adjacent lots, while complying with those required setbacks for accessory structures in the applicable base and overlay zone.
- (9) **Minimum Lot Size.** Minimum lot size of 20,000 square feet in order to keep cows, horses, sheep, goats, emus, alpacas, and llamas.
- (10) **Area Requirement for Animals.** Minimum area of development site per animal over 6 months of age:
  - (a) Cows and horses: 10,000 square feet
  - (b) Miniature cows, miniature horses, sheep, miniature goats, goats, emus, alpacas, and llamas: 5,000 square feet
- (11) **Harvesting.** Only chickens, fowl, and rabbits may be slaughtered on site in a humane and sanitary manner as long as it is not done in view from any public area or any adjacent property owned by another.

**Comment [R5]:** Larger sites with more space between houses as to why does the setback need to be increased.

**Comment [R6]:** What about fencing that protects the animals from predators such as raccoons or rats.

**Comment [R7]:** Roof and 2 sides not incorporated.

**Comment [R8]:** Very loose restriction. Noise and enjoyment of backyard still an issue. Better if setback is from property line.

**Comment [R9]:** Min area requirement for chickens?

**Comment [R10]:** Does this mean their pen needs to be 10,000 square feet or is that for each animal?

**Comment [R11]:** Noise issues from the animal screaming when slaughter is improperly done.



**BROWN Kristie A**

---

**From:** Lonnie,Toni <lonnietoni@comcast.net>  
**Sent:** Sunday, November 25, 2012 8:40 AM  
**To:** BROWN Kristie A  
**Subject:** animal laws

I am writting you concerning 2 issues;

One, I am glad to see that you are considering raising the number of chickens allowed. However, I would like to see 8 instead of 6. This is simple math. 8 chickens at 5 eggs a week in the prime of summer wuold give a family of 4 forty eggs a week or 10 per person. In the winter or when the birds get a liittle older the total eggs might go down to 16 a week. Hardly enough for a family of four.

Second, and I don't know if this is your conern, but I would like to see some control on cats. My dog has to be kept on a leash, but cats come into my yard and dig in my beds, put feces in my yard and there is nothing I can do. I do not hate cats, there should just be some controls on them.

Thanks,  
Lonnie

**BROWN Kristie A**

---

**From:** Denise Swanson <denises@uoregon.edu>  
**Sent:** Monday, November 26, 2012 11:26 AM  
**To:** BROWN Kristie A  
**Subject:** Urban Goats Support  
**Attachments:** Urban Goats.pdf

Hi Kristie,

Thanks so much for your help on planning for the public meeting on Dec. 11th regarding the inclusion of goats living in the city of Eugene. I've put together a short PowerPoint presentation that I've converted to a pdf (if you'd also like the PowerPoint version of it, please let me know). I tried to capture a vision of what harmonious goat cohabitation can be like. If you have any suggestion on how I could make it better, please let me know! I plan on being at the public meeting to speak. Just wanted to include this pdf as well.

Thanks again for your assistance!

Denise Swanson

# Urban Goats

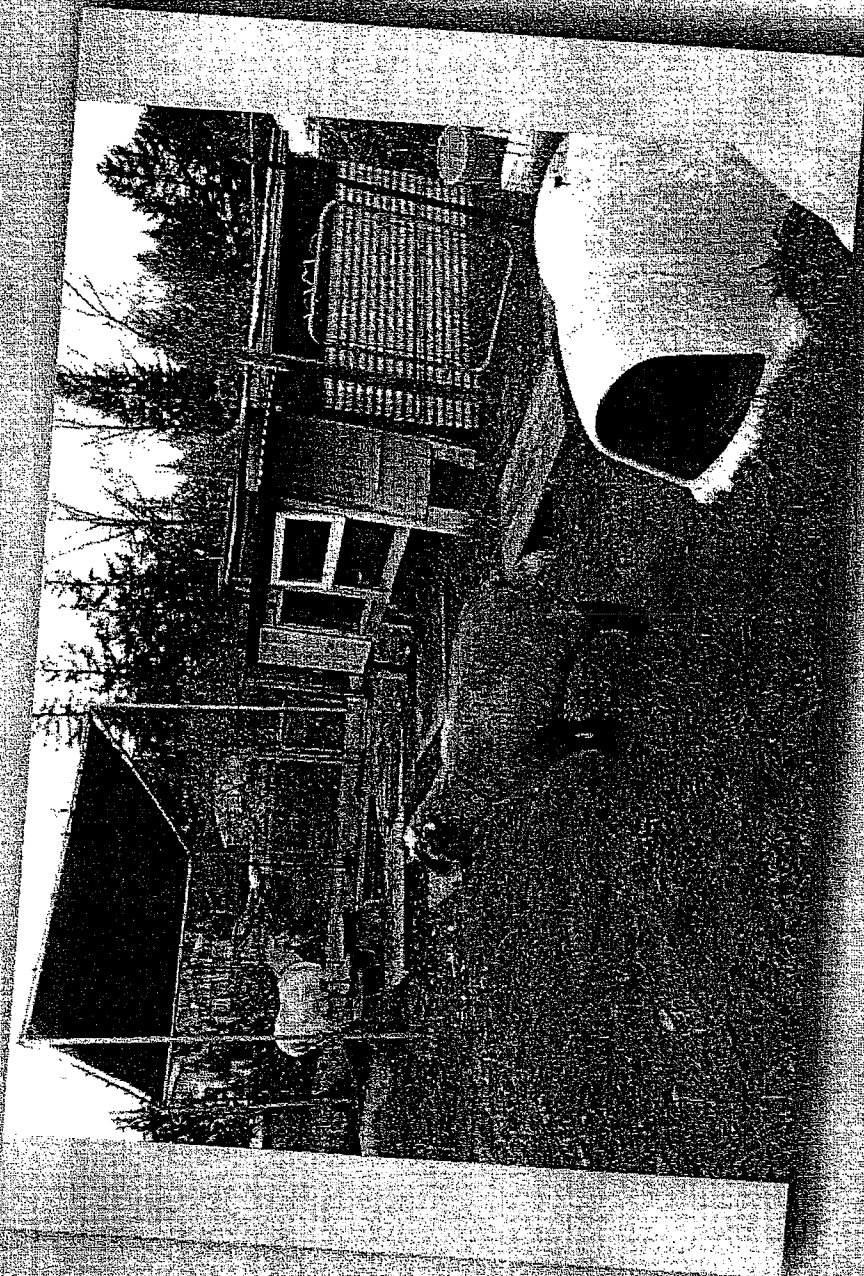
## as City Pets

Miniature goats are pets with benefits. They eat unwanted plants and garden scraps, produce quality manure for gardens, and provide a good source of milk. They are loving and endearing animals that given a chance, would make wonderful city dwellers.

Goats make exceptional pets, and with any pet you have to consider their needs and provide for them. It's all about being a responsible pet owner. With careful thought and planning, goats can be good neighbors who integrate seamlessly into an urban setting.

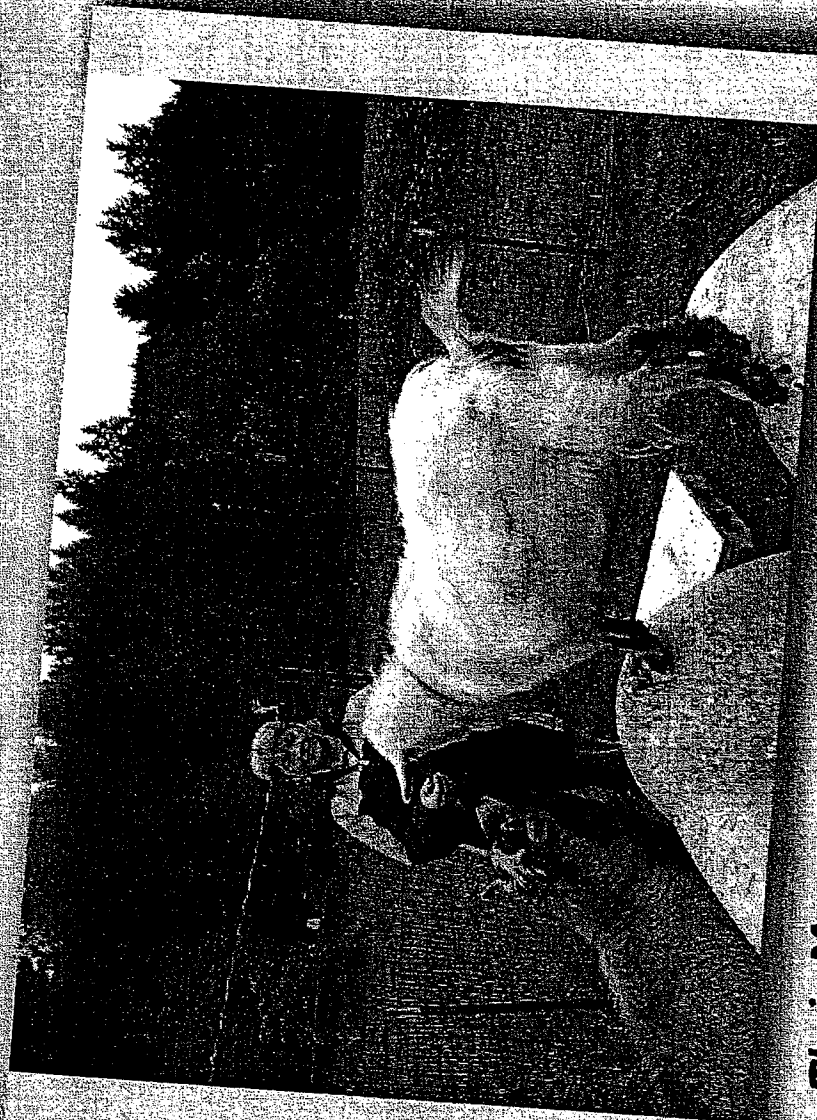


Tyler



## Pen Living

Tarek and Tyler are my 12 year old pygmy-mix goats who each weigh under 100 lbs. They have been fixed (no odors like that of intact bucks) and dehorned. They like to climb on things (like stumps and Dogloos), sleep in a dry shelter, and have the option for shade/protection from rain and snow (free standing metal-poled canopy).



## **Living Within Their Means**

Tarek and Tyler's pen is made from metal livestock fencing that is less than 6 ft. in height. Standing 5 ft. 7 in. tall, the top of the fence is a few inches over my head. Even standing on the top of the Dogloo, Tarek only comes up to my chest. With the Dogloos and any other climbable objects set back from the fence, both goats are unable to scale over the fence and escape. The fence protects my goats from roaming dogs and predators and they in turn actually like the safety the enclosure provides them.



## A Community of Sharing

Our goats are an integral part of my work community at the University of Oregon. Co-workers and friends who live in spaces where they cannot compost their fruit and vegetable scraps, bring them to work and place them in a compost bucket. Throughout the day more food scraps are deposited. At the end of the day, I take the bucket home for my goats to eat. Happy Goats! The goats love the food remnants and my co-workers are glad they do not have to throw usable food scraps away.

In turn I collect the goat's manure and use it to fertilize grapes and other plants in my yard. In the fall I collect the grapes and juice them for drinking and making jelly. I take the grape juice and jelly to work so my friends and co-workers can enjoy them. Happy Friends and Co-Workers! Everyone wins!



## A Place For Us All

I've had my goats since they were 2 1/2 weeks old. While they ARE goats, they consider themselves part human. They've been raised to not butt people and they absolutely love human contact.

They are not big or prolonged noisemakers. Though they will acknowledge a visit or herald danger with a few bleats.

Their manure, which resembles that of rabbits, is compact, easily collected, and low in offensive odors. It is great for distribution in the garden and other compostable areas, making their waste removal a self-contained, low-impact system.

With the guidelines the city of Eugene is considering implementing, I know the vision of goats living in an urban setting can be a harmonious and successful one for everyone involved.



Tyler and Me

**BROWN Kristie A**

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**From:** Chip Kiger <kiger@rioua.com>  
**Sent:** Monday, November 26, 2012 8:01 AM  
**To:** BROWN Kristie A  
**Subject:** Rule Change

Dear Ms. Brown,

I've been a beekeeper here in Eugene for 16 years. Many of my neighbors are aware that I have a hive in the backyard. All of them are supportive of having honeybees in the neighborhood because of their awareness of the pollination help my bees provide to local flower and vegetable plants.

I believe their support also stems from their understanding about the severe perils bees face here in North America. Honeybees are rapidly becoming an endangered species due to the increase of predators and diseases in American bees over the past 25 years. A decision by Eugene city government to permit homeowners to expand from one bee colony up to two would represent a significant local assist to the best insect friend that humans have. I sincerely hope you will support this measure.

Thank you,

Chip Kiger



DRAFT  
Findings

Urban Animal Keeping Code Amendments (CA 12-2)

Eugene Code Section 9.8065 requires that the proposed ordinance comply with the following approval criteria (in bold and *italics*):

- (1) ***The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.***

*Goal 1 - Citizen Involvement.* *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The proposed action does not amend the citizen involvement provisions. The process for adopting these amendments complies with Goal 1 because it is consistent with, and will not change the City's existing and acknowledged citizen involvement provisions.

The Planning Commission public hearing on the amendments was duly noticed. Notice of the public hearing was also published in the Register Guard. The City Council then held a duly noticed public hearing to consider approval, modification, or denial of the amendments. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the amendments are consistent with Statewide Planning Goal 1.

*Goal 2 - Land Use Planning.* *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

The City's acknowledged land use code specifies the procedures and criteria to be used for decisions and actions related to land use applications. The amendments do not change the planning process, policy framework or information relied on in making decisions and actions related to land use applications. The record also shows that there is an adequate factual base for the amendments. There are no Goal 2 Exceptions required for the amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

*Goal 3 - Agricultural Lands.* *To preserve agricultural lands.*

The amendments do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

*Goal 4 - Forest Lands.* *To conserve forest lands.*

The amendments do not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

*Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources.* *To conserve open space and protect natural and scenic resources.*

OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

The amendments do not create or amend the City's adopted inventory of Goal 5 resources, and does not amend any code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5. The amendments do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and does not amend the acknowledged UGB. Therefore, the amendments are consistent with Statewide Planning Goal 5.

Goal 6 - Air, Water and Land Resource Quality. To maintain and improve the quality of the air, water and land resources of the state.

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendments do not affect the City's protections for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

Goal 7 - Areas Subject to Natural Disasters and Hazards. To protect life and property from natural disasters and hazards.

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The amendments do not alter or affect the City's existing restrictions and approval criteria regarding development in areas subject to natural disasters and hazards. Therefore, Statewide Planning Goal 7 does not apply.

Goal 8 - Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not alter or affect the City's provisions for recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

Goal 9 - Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Land Study (October 1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and its Administrative Rule. The amendments do not affect the amount of land designated or zoned for commercial use and will have no direct impact on the existing supply of or any existing commercially designated land. Therefore, the amendments are consistent with Goal 9.

*Goal 10 - Housing. To provide for the housing needs of citizens of the state.*

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The amendments do not impact the supply or availability of residential lands included in the City's documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study. Therefore, Goal 10 does not apply to the amendments.

*Goal 11- Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The amendments do not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

*Goal 12- Transportation. To provide and encourage a safe, convenient and economic transportation system.*

Goal 12 is implemented through the Transportation Planning Rule (TPR, OAR 660-12). TransPlan provides the regional policy framework through which the TPR is enacted at the local level. The amendments will not significantly affect any transportation facility. The level of development currently permitted through existing code and zoning regulations will remain the same. No change in the functional classification of streets will result from the amendments. In addition, no changes are proposed to the standards that implement the functional classification system. Therefore, the amendments are consistent with Statewide Planning Goal 12.

*Goal 13 - Energy Conservation. To conserve energy.*

The amendments do not affect any of the City's energy conservation measures or programs. Therefore, Statewide Planning Goal 13 does not apply.

*Goal 14 - Urbanization. To provide for an orderly and efficient transition from rural to urban land use.*

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

*Goal 15 - Willamette River Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The amendments do not include any changes that affect the regulation of areas within the adopted Willamette River Greenway boundaries. Therefore, Statewide Planning Goal 15 does not apply.

*Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.*

The amendments do not include any changes related to coastal, ocean, estuarine, or beach and dune resources. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

***(2) The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.***

The amendments do not include any change in adopted land use designations or policy, nor does it change any requirements in the City's land use code concerning compliance with the Metro Plan and applicable refinement

plans. There are no policies or other applicable provisions in the Metro Plan or adopted refinement plans that specifically serve as mandatory approval criteria in this instance or otherwise limit the expiration period for approved land use applications. Therefore, the amendments comply with the above criterion.

- (3) *The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.***

The amendments do not establish a special area zone. Therefore, this criterion does not apply.



## NOTICE OF PUBLIC HEARING OF THE EUGENE PLANNING COMMISSION

Tuesday, December 11, 2012, 6:00 p.m.  
Sloat Room – Atrium Building  
99 West 10<sup>th</sup> Avenue

The Eugene Planning Commission will consider the following amendments to Eugene Code Chapter 9 (land use code) at the public hearing:

The proposed farm animal code amendments will allow for increased opportunities for residential urban farming within the city limits, while addressing compatibility within the urban environment.

### **Additional Information and Staff Report**

The applications, including all documents and evidence, and the applicable criteria are available for free inspection at the Eugene Planning and Development Department, First Floor Reception, 99 West 10th Avenue, Eugene, Oregon 97401 between 9:00 a.m. and 5:00 p.m. The Planning Division staff report to the Planning Commission will be available for viewing by **3:00 p.m. on Tuesday, December 4, 2012**, at the same location or at [www.eugene-or.gov/pc](http://www.eugene-or.gov/pc). Copies of all documents may be obtained at a cost.

For more information, contact Kristie Brown, Land Use Analyst at 541-682-6041 or e-mail at [kristie.a.brown@ci.eugene.or.us](mailto:kristie.a.brown@ci.eugene.or.us).

### **Applicable Criteria**

The Eugene Planning Commission will address the relevant approval criteria from the Eugene Code (EC) at EC 9.8065 in making a recommendation to the Eugene City Council on the proposal. Following the public hearing, at a separate meeting, the Planning Commission will deliberate and make their recommendation. The proposal will be heard before the Eugene City Council in a separate public hearing, following action by the Eugene Planning Commission.

- EC 9.8065 Code Amendment Approval Criteria.** If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:
- (1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.
  - (2) Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.
  - (3) In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.

Testimony and evidence of those testifying should be directed toward the applicable criteria of the Eugene Code (above), or other criteria in the plans or land use regulations that the person testifying believes to apply to the decision. All testimony received by the Planning Division will be forwarded to the Eugene City Council prior to the separate public hearing to be held before Eugene City Council.

*Mailed 11-9-12  
AS*

### **How to Submit Testimony**

1. Send a written statement to the Planning Commission, c/o Kristie Brown, Building and Permit Services Division, 99 West 10th Avenue, Eugene, Oregon 97401 or by e-mail [kristie.a.brown@ci.eugene.or.us](mailto:kristie.a.brown@ci.eugene.or.us). To be included in the Planning Commission's packet, your statement must be received by the Planning Division by **5pm on December 3, 2012**.
2. Submit a written statement after **December 3, 2012**, but before the public hearing closes. The Planning Commission will have less of an opportunity to read the written material prior to taking action (forwarding their recommendation to the City Council).
3. Attend the public hearing on **December 11, 2012**, and state your concerns. Your spoken testimony will be recorded in the minutes of the hearing. The Planning Commission will limit the time for each speaker to a few minutes. You are encouraged to submit written testimony if you have detailed comments you wish to make.

If a participant requests an additional opportunity to submit testimony, the City will accommodate that request either by continuing the hearing on another date or by holding the record open for more written testimony.

You may state your opinion to your neighborhood group. To contact the neighborhood group, call the Neighborhood Services Office at 541-682-6243 or visit the website at: [www.eugene-or.gov/neighborhoods](http://www.eugene-or.gov/neighborhoods)

The City of Eugene complies with state and federal laws and regulations relating to discrimination, including the Americans with Disabilities Act of 1990 (ADA). Individuals with disabilities requiring accommodations should contact Rhonda Crocker at 541-682-5675 at least 48 hours prior to the public hearing.

Notice of Public Hearing 11/11/12 (mailed 11/19/12)  
(CA12-2)

Page 1 of 1  
(CA12-2)

Interested Parties:

From Animal Standards (CA 12-2)

(CA12-2)

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DAVID HAUSER

EUGENE CHAMBER OF COMMERCE

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LORI SEGEL

GOAL ONE COALITION

642 CHARNELTON SUITE 100

EUGENE OR 97401

(CA12-2)

ED MCMAHON

HOME BUILDERS ASSOCIATION

1065 RIVER ROAD

EUGENE OR 97404-3257

K. HOWE  
LANE COUNTY  
125 E 8TH AVE

\*\*\*\*\*ROUTE\*\*\*\*\*

JOHN BAUMAN

ORTHOPEDIC HEALTHCARE NW, PC

1200 HILYARD ST, STE 600

EUGENE, OR 97401





## INTERESTED PARTIES LIST

### Farm Animal Standards

November 9, 2012

Bill Bezuk  
Eugene Backyard Farmer  
501 Washington St  
Eugene, OR 97401  
541-485-3276  
[info@eugenebackyardfarmer.com](mailto:info@eugenebackyardfarmer.com)

Robin Scott  
Eugene Friendly Area Farmers  
541-682-7224 or 541-968-7155  
[ronaclea@gmail.com](mailto:ronaclea@gmail.com)

Sue Prichard  
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Harper Keeler  
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Nancy Ellen Lock 541-431-0533  
Friendly Area Board Member  
[n\\_e\\_locke@hotmail.com](mailto:n_e_locke@hotmail.com)

Danielle Hagner (along/off Coburg Rd)  
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Interested Party  
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City Councilor  
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Deb Johnson-Sheldon  
[debj@ori.org](mailto:debj@ori.org)

Lane County Farmers Market  
Manager  
[info@lanecountyfarmersmarket.org](mailto:info@lanecountyfarmersmarket.org)





## Eugene Planning Commission

## AGENDA

Phone: 541-682-5481  
www.eugene-or.gov/pc

**Meeting Location:**  
Bascom-Tykeson Room—Eugene Public Library  
100 W. 10<sup>th</sup> Avenue  
Eugene, OR 97401

The Eugene Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please at any of the meetings. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours notice. To arrange for these services, contact the Planning Division at 541-682-5675.

### **MONDAY, NOVEMBER 19, 2012 – REGULAR MEETING (11:30 a.m. to 1:30 p.m.)**

#### **11:30 a.m. I. PUBLIC COMMENT**

The Planning Commission reserves 10 minutes at the beginning of this meeting for public comment. The public may comment on any matter, **except for items scheduled for public hearing or public hearing items for which the record has already closed.** Generally, the time limit for public comment is three minutes; however, the Planning Commission reserves the option to reduce the time allowed each speaker based on the number of people requesting to speak.

#### **11:40 a.m. II. ENVISION EUGENE LAND USE CODE AMENDMENT UPDATE:**

- A. Downtown
- B. Farm Animal Standards
- C. Single-Family

Staff: A. Alissa Hansen, 541-682-5508 and Nan Laurence, 541-682-5340  
B. Kristie Brown, 541-682-6041  
C. Alissa Hansen, 541-682-5508

#### **1:20 p.m. III. ITEMS FROM COMMISSION AND STAFF**

- A. Other Items from Staff
- B. Other Items from Commission:
- C. Learning: How are we doing?

Commissioners: Steven Baker; Jonathan Belcher; Rick Duncan; Randy Hledik, Chair; John Jaworski; Jeffery Mills; William Randall, Vice Chair



**AGENDA ITEM SUMMARY**  
**November 19, 2012**

**To:** Eugene Planning Commission

**From:** Alissa Hansen, City of Eugene Planning Division  
Nan Laurence, City of Eugene Community Development Division

**Subject:** Envision Eugene Implementation: Mixed Use/Downtown Code Amendments

**ACTION REQUESTED**

This work session provides the Planning Commission with an update and opportunity to provide feedback on land use code concepts related to facilitating mixed use and downtown development.

**BRIEFING STATEMENT**

Consistent with several strategies in the Envision Eugene proposal, the purpose of these amendments is to make compact urban development easier in the downtown, on key transit corridors, and in core commercial areas by removing regulatory barriers. These amendments are also aimed at accommodating the city's 20 year need for commercial and multi-family housing inside the current urban growth boundary (UGB).

Based on public input received during the Envision Eugene process, a city staff team drafted code concepts addressing five topic areas. Staff then met with community stakeholders with experience and expertise in downtown and mixed use development to seek feedback on the concepts. These stakeholders included property owners, neighborhood advocates, developers, commercial brokers, architects, and the Chamber of Commerce. Using that feedback, concept papers were drafted (see Attachments A through E). These papers describe the background/purpose, current practice, proposed concept, stakeholder input and relevant code sections for each topic. The five topic areas include:

1. Allowing for More Housing in Commercial Zones
2. Eliminate Requirement for Transportation Impact Analysis in the Downtown
3. Provide Flexibility for the Surface Parking Limitation in C-3 Zone
4. Eliminate Large Commercial Facilities Standards for Projects in the Downtown
5. Provide Flexibility to the /ND Nodal Development Overlay Zone

**Next Steps**

Staff will begin drafting code language consistent with the concepts following the Planning Commission's review. This code language will be reviewed by the stakeholders, as well as by other city staff to ensure consistency with other codes and programs. Broader public feedback is expected as part of the formal hearing process.

Staff also wanted to call the commission's attention to a specific code amendment that was recently initiated by the City Council. In late October 2012, the City Council agreed to sell property in the

Downtown Plan area to enable the development of Northwest Community Credit Union's regional headquarters. This property is within the /ND Nodal Development overlay zone. The credit union has requested the city to consider allowing a drive-through facility which is currently prohibited in the /ND overlay zone. Given council's action and terms of this agreement, it is necessary to consider a code amendment to the /ND overlay in an expedited fashion (see Attachment E and F). Accordingly, the Planning Commission will hold a public hearing on this proposed amendment on Tuesday, December 11, 2012. Following a Planning Commission recommendation, the City Council will hold a public hearing and take action in early 2013.

#### **FOR MORE INFORMATION**

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#### **ATTACHMENTS**

- A. Concept Paper: Allow for More Housing in Commercial Zones
- B. Concept Paper: Eliminate Traffic Impact Analysis Requirement in Downtown
- C. Concept Paper: Provide Flexibility for the Surface Parking Limitation in C-3 Zone
- D. Concept Paper: Eliminate Large Commercial Facilities Standards in Downtown
- E. Concept Paper: Provide Flexibility in the Nodal Development Overlay Zone
- F. Proposed code language for amendment to allow drive through in Downtown /ND Zone

## 1. Allow for More Housing in Commercial Zones

### Background/Purpose

Envision Eugene calls for facilitating the transformation of downtown, key transit corridors and core commercial areas as mixed-use neighborhoods that foster active, walkable, community living by providing a mix of residential, commercial, retail, and public uses in proximity to one another.

Although mixed use is often thought of as vertical (housing over commercial), it can also be horizontal (housing adjacent to commercial). The purpose of these amendments is to increase housing opportunities, provide for flexibility and allow for adaptive re-use opportunities for existing buildings in downtown, on key transit corridors, and in core commercial areas.

### Current Practice

Except within the Downtown Plan Area, single-family dwellings, duplexes and multi-family dwellings (three or more dwellings on same lot) are permitted in the C-1 Neighborhood Commercial and the C-2 Community Commercial zones, so long as a certain percentage of the ground floor of the building is used for commercial or non-residential purposes (80% for C-1 and 20% for C-2), to promote vertical mixed use.

Since 2009, within the Downtown Plan Area, all types of dwellings are allowed in the C-1 and C-2 zones without the requirement that the ground floor of the building be in commercial or non-residential use. As a result, any portion (or all) of a building can be developed with housing, allowing for horizontal mixed use.

Multi-family dwellings (three or more dwellings on the same lot) are allowed in the C-3 Major Commercial zone, and are not required to be in a building that has a ground floor in commercial or non-residential use. While three or more dwellings in a building are allowed, one or two dwellings are not. Consequently, an existing commercial building could not convert un-used space to create one or two apartments.

### Proposed Concepts

- Allow for housing on the ground floor of buildings in the C-1 and C-2 zones citywide, thereby allowing for horizontal mixed use opportunities
- Allow for one or two apartment units (non-multi-family) in the C-3 zone in conjunction with commercial use, thereby allowing for flexibility and mixed use opportunities
- As part of the Envision Eugene monitoring program, monitor the amount and type of housing developed in commercial zones to assess the effect of these code provisions on commercial and multi-family housing land supply, and make adjustments if necessary.

### Stakeholder Input

In general, stakeholders responded positively to the idea of allowing flexibility in the C-2 requirement for nonresidential uses on the ground floor. Stakeholders commented that

allowing housing on the ground floor in C-2 would fill empty storefronts, and that requiring the proscribed mix of use increased development costs. In addition, allowing more flexibility in ground floor use could encourage people to live near and support those services, increasing commercial viability. However, a few stakeholders also identified concerns that commercial uses on the ground floor are desired particularly along transit corridors, and that the overall supply of commercial space is limited. The consensus was to allow this change, to increase opportunities for housing adjacent to or over commercial.

Most stakeholders interviewed proposed changing the current limitation of three or more dwellings in C-3 to open up the possibility of one or two units, such as atop commercial spaces. Increasing the possibility of additional residential in the core area, even one or two units at a time was seen as positive. Allowing residential uses above commercial uses is seen as a traditional mixed use form – one that we need to make easier to accomplish. However, there were concerns that housing about a single story might lock in that development, increasing the value so as to prevent redevelopment in the future. In response, there was general consensus that housing above commercial is acceptable and in fact desired, if at least two lower stories are in commercial use. A number of stakeholders also commented that this is unlikely to have a big effect, so it makes sense to allow it where it adds to the overall density and mix of uses downtown.

For both changes, stakeholders suggest looking for ways to track the use of C-2 for housing uses in place of commercial uses.

#### **Relevant Eugene Code Sections**

The following code sections would need to be revised:

- Table 9.2160 Commercial Zone land Uses and Permit Requirements
- EC 9.2161(6) Special Use Limitations for Table 9.2160
- Table 9.2161 Commercial Use Requirements in Mixed-Use Residential Developments Not Within Downtown plan Area



## 2. Eliminate Traffic Impact Analysis Requirement within Downtown Plan Area

### Background/Purpose

A Traffic Impact Analysis (TIA) Review is required for developments that exceed a threshold number of trips or anticipated traffic problems. The purpose of the TIA Review is to ensure that developments provide necessary facilities to accommodate the traffic impact of a proposed development which generates a significant amount of traffic, contributes to traffic issues in the area, or results in unacceptable levels of service of the roadway system.

The TIA is an important and relevant tool for managing and mitigating the impacts of growth and development. However, the downtown area has some unique characteristics that lessen the benefits or need of the TIA. These include:

- The downtown has lower adopted mobility standards than all other areas in the city (level of service E for downtown compared to level of service D for the rest of the city) as a result of the Central Area Transportation Study (CATS).
- The downtown area consists of an established grid pattern of interconnected streets.
- There are multiple lower and higher order streets that enter and exit the downtown core.
- There are numerous options for distribution and assignments of projected trips.
- Speeds are generally lower and the pedestrian level environment tends to keep it that way.
- Downtown has ample transit facilities and the City has put a priority on encouraging alternate modes of travel.
- Development in downtown is primarily re-development of existing properties.
- It is unlikely that new intersections, new street alignments or widths would be proposed or exacted.
- Downtown buildings generally have only a small setback or are zero lot line developments. This reduces the likelihood of adding lanes. Any capacity upgrades would likely come from operational or geometric changes to improve efficiencies where right-of-way is constrained.
- Recently adopted access management standards control new driveway locations.

During the Envision Eugene public involvement events, it was suggested that the TIA requirement in the downtown area be eliminated to save unnecessary expense, time and expectations of site specific system improvements.

### Current Practice

The land use code requires a Traffic Impact Analysis (TIA) Review (a Type II/Planning Director decision) anywhere in the city when one of the following conditions exists:

- The development will generate 100 or more vehicle trips during any peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation.
- The increased traffic resulting from the development will contribute to traffic problems in the area based on current accident rates, traffic volumes or speeds that warrant action under the city's traffic calming program, and identified locations where pedestrian and/or bicyclist safety is a concern by the city that is documented.
- The city has performed or reviewed traffic engineering analyses that indicate approval

of the development will result in levels of service of the roadway system in the vicinity of the development that do not meet adopted level of service standards.

- For development sites that abut a street in the jurisdiction of Lane County, a Traffic Impact Analysis Review is required if the proposed development will generate or receive traffic by vehicles of heavy weight in their daily operations.

Typically, most TIAs are triggered as a result of trip generation. There has been one TIA submitted and processed within the downtown plan area since this requirement was added as part of the land use code update in 2001.

#### **Proposed Concept**

- Eliminate TIA requirement for development within the boundaries of the Downtown Plan. Retain requirement outside of Downtown Plan area.

#### **Stakeholder Input**

The general consensus regarding the requirement for TIA's in the Downtown Plan area is that they are not needed, since the street grid is established and improvements are already accounted for in the Central Area Transportation Study. In other words, we are already planning for the development that we intend for downtown, so individual projects should not have to submit a TIA. However, there were questions about the need to track impacts from development downtown on nearby residential areas. Several comments supported the idea of a lesser TIA, or discretion about when one might be needed. Overall, stakeholders support making the process easier for downtown development particularly where needed infrastructure and analysis is already in place. Other comments addressed concerns that TIAs don't completely account for the traffic issues, for example don't vary based on the amount of parking provided, or consider the impact of bicycles.

#### **Relevant Eugene Code Sections**

The following code section would need to be revised:

- EC 9.8650-9.8680 Traffic Impact Analysis Review

### 3. Provide Flexibility for the Surface Parking Limitation in C-3 Zone

#### Background/Purpose

In 2001, the council adopted a requirement to discourage surface parking lots by setting a limit of 20 surface parking spaces and requiring all remaining spaces to be in structured parking. While well-intentioned, this requirement has proved to be a major issue for those considering redevelopment in the C-3 zone. This is particularly true for modest sized projects where the economics of building structured parking cannot be financially justified. This standard does not account for the more typical evolutionary development that occurs downtown, where land is redeveloped, with portions of the lot retained in surface parking. Over time, that parking is converted as property values increase and additional redevelopment occurs. Given its scale, the Capstone project will likely be the first example where structured parking will be provided since the inception of this requirement.

This issue was identified early in the code amendment process in 2004. Stakeholder input at that time requested flexibility in redevelopment to allow more than 20 spaces, particularly for larger developments and where the parking could be screened from pedestrians. This issue has resurfaced multiple times during the iterative code amendment process.

#### Current Practice/Background

Within the C-3 Major Commercial zone, parking areas that are accessory to a primary use on the same development site must comply with EC 9.2161(5).

#### 9.2161 Special Use Limitations for Table 9.2160.

- (5) **Parking Areas in C-3.** For surface parking spaces created after August 1, 2001, there shall be at least 1,000 square feet of floor area on the development site for each new parking space created. The maximum number of surface parking spaces on a development site shall be 20. All parking spaces in excess of these limits shall be in structured parking.

Structured parking is permitted outright in the C-3 zone, meaning it is not subject to a land use application unless it falls within a SR Site Review zone.

#### Proposed Concepts

Given the mixed reviews we've heard on this topic, staff is providing options for the Planning Commissions consideration:

- Option 1: Eliminate requirement
- Option 2: Increase threshold from 20 surface spaces to a higher number
- Option 3: To clarify applicability, add the word "new" so that it reads "the maximum number of new parking spaces on a development site shall be 20."
- Option 4: Allow for an adjustment to this special use limitation subject to relevant and robust criteria. Consider some limitation on surface parking, such as embedded or

screened parking

- Option 5: Retain requirement

#### Stakeholder Input

Stakeholders expressed a variety of viewpoints regarding the current limit of 20 surface spaces in the C-3 zoned area, primarily the core area of downtown. Although there was discussion on the concept of parking lots as essentially land banked sites, the consensus from stakeholders was that we need to keep the existing limitation of 20 surface spaces in C-3. A number of comments addressed the desire for the City to build additional parking structures, and look for other creative ways to address parking needs. In keeping with the goal of making desired development easier in the core area, several individuals suggested making the 20 space limit flexible, such as through an adjustment review, but with a limited amount of increase, such as 5 or 10 spaces.

#### Relevant Eugene Code Sections

The following code sections would need to be revised:

- Table 9.2160 Commercial Zone Land Uses and Permit Requirements
- EC 9.2161 Special Use Limitations for Table 9.2160.
- EC 9.8030 Adjustment Review Approval Criteria

## 4. Exempt Downtown Projects from Certain Large Commercial Facilities Standards

### Background/Purpose

As part of the land use code update in 2001, all new buildings in commercial zones with 25,000 square feet or more of floor area were required to meet the Large Commercial Facilities Standards, which are a set of development standards addressing the appearance and function of large commercial developments. While the intent of these standards is appropriate for downtown (see description and purpose below), for the most part, the standards are geared towards large-scale developments typically found in a more suburban setting, rather than the core where there is a gridded street pattern and associated blocks, ample sidewalks and alleys, and parking exempt areas. These standards attempt to address building and site design issues which the general commercial standards would not adequately cover, especially regarding larger commercial centers. Not only are downtown sites physically distinct in nature, they lie within the transit oriented district overly (/TD) which already include additional standards specific to an urban setting.

Two recent downtown projects, the Lane Community College Downtown Campus and the Woolworth Building, requested adjustments to the on-site pedestrian circulation requirements of these standards. These provisions are redundant in an urban setting when public sidewalks and alleyways are directly adjacent to the building facades.

Exempting projects within the Downtown Area Plan from the on-site pedestrian circulation requirement (and others where appropriate) would remove a barrier (unnecessary time and expense) to downtown development.

### Current Practice

The current code language is as follows:

#### **9.2173 Commercial Zone Development Standards - Large Commercial Facilities.**

- (1) **Description and Purpose.** The intent of these regulations is to:
  - (a) Improve the appearance and function of large commercial developments in any commercial zone.
  - (b) Encourage efficient use of land resources and urban services.
  - (c) Encourage mixed use.
  - (d) Support transportation options.
  - (e) Promote detailed, human-scale site and building design.
- (2) **Application of Standards.** In addition to the standards of EC 9.2170 Commercial Zone Development Standards - General, the standards in this section apply to any new building with 25,000 square feet or more of floor area, and the portion of the development site specifically affected by the new building.
- (3) **Building Entrances.**
  - (a) All building sides that face an adjacent street shall feature at least one customer entrance. **(See Figure 9.2173(3) Large Commercial Facilities - Building Entrances.)**
  - (b) Where a building faces more than two adjacent streets, excluding those with limited access, this requirement shall apply only to two sides of the building.
  - (c) Corner entrances, placed at an angle of up to 45 degrees from the primary street, as measured from the street lot line, may be substituted for separate entrances required under subsection (b), above. **(See Figure 9.2173(3) Large**

**Commercial Facilities - Building Entrances.)**

- (4) **Off-Street Parking.**
  - (a) No off-street parking shall be located between the front facade of any new building(s) and the primary adjacent street.
  - (b) Individual parking areas may be no larger than 55,000 square feet in size. Separation between individual parking areas may be achieved by placement of internal accessways. Such accessways used to separate parking areas shall have at least one travel lane, curbs, and sidewalks at least 8 feet in width on both sides of the access way.
- (5) **Vehicle Connections Between Sites.** For development sites that abut an arterial or collector street, at least one internal vehicle accessway connection must be made between the subject development site and adjacent sites zoned for commercial use.
- (6) **On-Site Pedestrian Circulation.** In place of standards set forth in EC 9.6730 Pedestrian Circulation On-Site, the following standards shall apply to large commercial facilities:
  - (a) A continuous internal pedestrian walkway, no less than 8 feet in width, shall be provided from the public sidewalks or right-of-way to all customer entrances of all buildings on the development site, and to all public sidewalks and paths abutting the development site.
  - (b) Sidewalks, no less than 8 feet in width, shall be provided along the full length of building walls featuring a customer entrance, and along any wall abutting public parking areas. Such sidewalks shall be located at least 6 feet from the wall of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
  - (c) Sidewalks, no less than 8 feet in width, shall be provided for direct connection to entrances of all new and existing buildings on the development site to one another, except entrances used for loading and unloading freight.
  - (d) Internal pedestrian walkways provided in conformance with subsection (a) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
  - (e) At least one pedestrian accessway connection, a minimum of 8 feet in width, shall be made to connect the buildings on the subject development site to all adjacent sites either developed or zoned for commercial, office, residential, or institutional use.
  - (f) All on-site pedestrian walkways located in vehicle use areas shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (7) **Interior Yard Landscaping.** Interior yards abutting a lot with a residential zone shall be provided with landscaping that meets the requirements in EC 9.6210(7) Massed Landscape Standard (L-7). The required landscaping may be pierced by pedestrian and vehicular access ways.
- (8) **Service and Loading Areas.**
  - (a) Loading docks, outdoor storage, utility meters, mechanical equipment, trash collection, trash compaction, and other service functions shall comply with the standards stated in EC 9.2170 Commercial Zone Development Standards - General.
  - (b) Outdoor areas for the display and sale of seasonal inventory shall be permanently defined and landscaped as set forth in EC 9.2171(11) Outdoor Merchandise Display.
- (9) **Delivery and Loading Facilities.** On lots abutting parcels zoned for residential development, delivery and loading facilities shall be set back a minimum of 30 feet

from property lines with required setbacks landscaped to at least the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).

**(10) Exterior Wall Articulation, Facades, and Ground Floor Windows.**

- (a) Exterior building walls shall not continue along an uninterrupted plane for more than 100 feet. An uninterrupted plane is a wall that has no variation in exterior surface along its length. Except for building walls facing an alley, ground floor facades 100 feet or greater in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the facade and extending at least 20 percent of the length of the facade. **(See Figure 9.2173(10)(a) Large Commercial Facilities-Exterior Wall Articulation.)**
- (b) Ground floor facades that face streets adjacent to the development site shall have arcades, collonades, display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length. **(See Figure 9.2173(10)(b) Large Commercial Facilities-Exterior Facades.)**
- (c) Except for building walls facing an alley, ground floor walls shall contain windows (as stated below) at the ground level. The windows may extend a maximum sill height of 4 feet above finished grade to any head height. The portion of window area meeting this standard is from the sill (bottom edge) to the head (top edge) including portions up to 9 feet above the finished grade. Alcoves, entryways, and extruding portions of the wall shall be treated by measuring through such areas as though along the flat wall of a building. **(See Figure 9.2173(10)(c) Large Commercial Facilities-Ground Floor Window Calculation.)** Solid walls are prohibited along street frontages. This standard does not apply to parking structures. For a wall with a loading dock, the wall length referred to in subsection (10)(c)1., below, shall exclude the wall area affiliated with the loading and unloading of freight.
  1. General Standard. The windows in any walls that require windows shall occupy at least 50 percent of the length and 25 percent of the ground floor wall area. Required window areas shall be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. The bottom of the windows shall be no more than 4 feet above the finished grade.
  2. Corner Lots. On corner lots, the general ground floor window standard stated in subsection (c) must be met on one street frontage only. On the other street(s), the requirement is ½ of the general standard. The applicant may choose on which street to apply the general standard.

- (11) Adjustments:** Except for the Downtown Plan Area, adjustments to the standards in this section may be made, based on criteria at EC 9.8030(6) Large Commercial Facilities Standards Adjustment. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to the standards in this section may be made based on the criteria at EC 9.8030(16).

### Proposed Concepts

- Clarify that these standards apply to new buildings with 25,000 square feet *in commercial use*.
- Exempt development within the boundaries of the Downtown Plan area from certain Large Commercial Facilities standards:
  - Building entrances (only require on one side) [EC 9.2173(3)]

- Vehicle connections between sites [EC 9.2173(5)]
  - On-Site Pedestrian Circulation [EC 9.2173(6)]
  - Interior Yard Landscaping (change to not apply downtown when adjacent to R-4) [EC 9.2173(7)]
  - Delivery and Loading Facilities (change to not apply downtown when adjacent to R-4) [EC 9.2173(9)]
  - The remaining standards would continue to apply.
- As part of the Envision Eugene monitoring program, monitor the amount and type development in commercial zones to assess the effect of these code provisions on commercial land supply, and make adjustments if necessary.

#### Stakeholder Input

The large commercial facilities standards were seen by stakeholders as unnecessary and undesirable downtown. The general comment was that these standards were developed for suburban development and do not belong downtown. Some stakeholders supported removing this standard, while others suggested making it easier to waive, such as without going through an adjustment review. One cautionary comment suggested looking out for consistency downtown, such as preserving the build-to line.

#### Relevant Eugene Code Sections

The following code section would need to be revised:

- EC 9.2173 Commercial Zone Development Standards – Large Commercial Facilities



## 5. Add Flexibility to Nodal Development Overlay Zone

### Background/Purpose

Consistent with the nodal development program outlined in TransPlan, the City has relied on the re-designation and re-zoning of specific areas for implementation. This has occurred either through the application of specific area zones (resulting from area planning, such as Walnut Station) or through the application of a general "nodal development" overlay zone.

The /ND overlay zone is intended to direct and encourage nodal development areas from incompatible development prior to adoption of nodal development plans and implementing land use regulations (EC 9.4250).

The /ND Nodal Development Overlay zone applies within four areas across the city: Crescent Village, Danebo, Lower River Road, and Downtown. Within the first three area all properties within the city limits have the /ND overlay, and the remaining properties receive the overlay zone upon annexation. Within downtown, the /ND overlay was not applied when the area was designated nodal development in the Metro Plan. Rather, it is applied when properties are re-zoned. As such, only four properties within downtown are zoned /ND.

Nodal development is defined as a mixed use, pedestrian friendly land use pattern that seeks to increase concentrations of population and employment in well-defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented.

Although the intent of the /ND overlay is to encourage mixed use development, because of its one-size-fits-all nature, several of the regulations have been identified as barriers to commercial and residential developments. In an effort to protect these areas from incompatible development, the /ND regulations have had the effect of restricting or limiting development. For example, uses with an ancillary drive through, or any car-related uses are prohibited.

### Current Practice

The /ND overlay includes standards that prescribe the following:

- prohibited uses (including as motor vehicle related uses and large scale sales/service);
- special use limitations (including no drive-through facilities unless explicitly permitted in a refinement plan and a limitation that no new buildings may exceed 50,000 square feet); and
- density and development standards (including minimum floor area ratios, building setbacks, and parking location requirements).

Except within the Downtown Plan area, the density and development standards are adjustable only for parcels with no alley access or with physical or legal constraints. Within the Downtown Plan area, adjustments to the density and development standards may be made for any parcel. No adjustments may be made to the prohibited or special use limitations.

The current /ND overlay zone language is included in Attachment F.

**Proposed Concepts**

- Allow for adjustments to the prohibited and special use limitations subject to relevant criteria
- Allow for adjustments to the density and development standards for all parcels, not just those with no alley access or physical or legal constraints
- Allow for drive-through facilities within the Downtown Plan area if the structure has at least two occupiable floors. Allow a drive-through facility in a structure with one occupiable floor subject to an adjustment review only for financial institutions or pharmacies. Retain prohibition on drive through only establishments (establishments that provide services solely to customers that do not enter the building, such as a coffee stand). (See Attachment F)

**Stakeholder Input**

The concept of allowing flexibility in the list of allowed uses in the /ND overlay zoned areas generated a lot of discussion. Some stakeholders were comfortable with this change given the public engagement and notice required for a code amendment. Some individuals commented that allowing drive-through facilities reduces need for surface parking, while others thought that drive-through facilities, particularly downtown, take up too much asphalt. However, there was general consensus for more flexibility in the list of uses, and that drive-through facilities are acceptable in association with multiple uses as an accessory use. There were two additional suggestions, one that we look at the transportation impact and demonstrate how it will be better for pedestrians, and two that drive-through facilities be designed to accommodate bicyclists as well.

**Relevant Eugene Code Sections**

The following code sections would need to be revised:

- EC 9.4280 /ND Prohibited Uses and Special Use Limitations
- EC 9.4290 /ND Density and Development Standards
- EC 9.8030 Adjustment Review Criteria

## Proposed code language for amendment to allow drive through in Downtown

Proposed additions are in *italics* and deletions show with ~~strikeout~~  
November 9, 2012

### **/ND Nodal Development Overlay Zone**

- 9.4250**     **Purpose of /ND Nodal Development Overlay Zone.** The /ND Nodal Development overlay zone is intended to direct and encourage development that is supportive of nodal development and to protect identified nodal development areas from incompatible development prior to adoption of nodal development plans and implementing land use regulations. An adopted development plan for a specific node may recommend the /ND Nodal Development overlay zone as the sole implementing land use regulation for all or part of a nodal development area. It is intended that each node identified by the /ND overlay zone achieve an average overall residential density of at least 12 units per net residential acre.
- 9.4260**     **Procedure for Applying the /ND Nodal Development Overlay Zone.** Rezoning to apply the /ND overlay zone concurrent with a Metro Plan diagram amendment to apply the /ND Nodal Development designation shall be processed as a Type V application as provided in EC 9.7500 through EC 9.7560 Type V Application Procedures. Except as provided in EC 9.7810, rezoning to apply the /ND overlay zone to property shown as ND Nodal Development on the Metro Plan diagram shall be processed as a Type III application as provided in EC 9.7300 through EC 9.7340 Type III Application Procedures. Proceedings to apply the /ND overlay zone may be initiated only by the city council.
- 9.4270**     **Applicability.** The /ND overlay zone applies to all property where /ND is indicated on the Eugene overlay zone map, except where the property is an historic property according to this land use code. The /ND requirements in EC 9.4280 and 9.4290 apply to the following:
- (1) New development on vacant land.
  - (2) New structures on already developed sites, such as conversion of a parking area to a structure or demolition of a structure and construction of a new structure.
  - (3) An expansion of 30% or more of the total existing building square footage on the development site; however, expansion of a structure for a use prohibited under EC 9.4280 or the expansion/addition of a drive-through facility as part of the expansion of an existing structure are prohibited.
- The /ND standards in EC 9.4290 do not apply to a building alteration. The provisions of the /ND overlay zone supplement those of the applicable base zone or special area zone and other applicable overlay zones. Where overlay zone and base zone provisions conflict, the more restrictive controls.
- 9.4280**     **Prohibited Uses and Special Use Limitations.**
- (1) **Prohibited Uses.**
    - (a) **Motor Vehicle Related Uses.**
      1. Car washes.
      2. Parts stores.

3. Recreational vehicle and heavy truck, sales/rental/service.
  4. Motor vehicle and motorcycle sales/rental/service.
  5. Service stations, includes quick servicing.
  6. Tires, sales/service.
  7. Transit park and ride, major or minor, except under a shared parking arrangement with another permitted use.
  8. Parking areas, where the entire lot is exclusively used for parking and does not provide shared parking for more than one development site.
- (b) Trade (Retail and Wholesale).
1. Agricultural machinery rental/sales/service.
  2. Boats and watercraft sales and service.
  3. Equipment, heavy, rental/sales/service.
  4. Manufactured dwelling sales/service/repair.

(2) **Special Use Limitations.**

- (a) *Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, No use may include a drive-through facility, unless explicitly permitted in a refinement plan. Within the Downtown Plan Area, a drive-through facility is permitted for structures that have at least two occupiable floors. Drive through only establishments are not permitted. A drive-through facility in a structure with one occupiable floor may be permitted subject to an adjustment based on the criteria at EC 9.8030(16).*
- (b) No new building designed to be occupied by retail uses may exceed 50,000 square feet of building area on the ground floor and only one such new building may contain 50,000 square feet of building area on the ground floor.

**9.4290** **Density and Development Standards.** In addition to the requirements of the base zone, the following standards shall apply:

(1) **Minimum Residential Density and Floor Area Ratio (FAR).**

- (a) Where the base zone is R-1 or R-1.5, new subdivisions shall achieve a minimum residential density of 8 units per net acre. Minimum residential density in R-2 shall be 15 units per net acre; in R-3 it shall be 25 units per net acre; and in R-4 it shall be 30 units per net acre.
- (b) Where the base zone is C-1, C-2, C-3, or GO, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be 1.0 FAR (1.0 square feet of floor area to 1 square foot of the development site).
- (c) Where the base zone is C-4, I-1, I-2, or I-3, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be .40 FAR (.40 square feet of floor area to 1 square foot of the development site).

(2) **Building Setbacks.**

- (a) Buildings shall be set back a maximum of 15 feet from the street. There is no minimum setback.
- (b) Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standard on only one of the streets.

- (3) **Parking Between Buildings and the Street.** Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and a street. For sites that abut a street, parking may be located at the rear of the building or on 1 or both sides of a building when at least 60 percent of the site frontage abutting the street (excluding required interior yards) is occupied by a building and/or an enhanced pedestrian space with no more than 20 percent of the 60 percent in enhanced pedestrian spaces, as described in EC 9.4530(3)(c). For purposes of determining the percent of site frontage, the building or enhanced pedestrian space shall be within 15 feet of the street.

**ATTACHMENT F**

- (4) **Adjustments.** Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, an adjustment to any of the standards in this section may be made for /ND parcels with no alley access or with physical or legal constraints pursuant to the criteria beginning at EC 9.8015 of this land use code. Adjustments to this section may be made for any parcel within the Downtown Plan Area based on the criteria at EC 9.8030(16).

**9.8030** **Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.

- (16) **Downtown Plan Area.** Where this land use code provides that a development standard applicable within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following:
- (a) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:
    - 1. A building orientation, massing, articulation and façade that contribute positively to the surrounding urban environment; and
    - 2. An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.
  - (b) Impacts to any adjacent residentially-zoned property are minimized. Design elements for this purpose may include treatment of building massing, setbacks, screening and landscaping.
  - (c) For adjustments pursuant to EC 9.2171(13) only, placing utilities underground would be unreasonably onerous to the applicant.
  - (d) *For adjustments pursuant to EC 9.4280(2)(a), the use shall be limited to financial services, pharmaceutical prescription dispensing or government services.*



**AGENDA ITEM SUMMARY**  
**November 19, 2012**

**To:** Eugene Planning Commission  
**From:** Kristie Brown, City of Eugene Building & Permit Services Division  
**Subject:** Envision Eugene Implementation: Farm Animal Code Amendments

**ACTION REQUESTED**

This work session provides the Planning Commission with an update and opportunity to provide feedback on a package of proposed land use code amendments related to farm animal standards.

**BRIEFING STATEMENT**

Earlier this year, the City Council initiated code amendments related to farm animal standards on residential land. The purpose of these amendments is to make changes and clarifications to the land use code (Eugene Code Chapter 9) which will help increase opportunities for urban farming on residential lands within the city limits. In addition to implementing the climate change and energy resiliency pillar of Envision Eugene, these amendments are listed as a high priority action in the City's Climate and Energy Action Plan and supported by the City's Food Security Scoping and Resource Plan. While farm animals are currently allowed in residential zones, these amendments are intended to increase the number of farm animals allowed in an urban setting, while addressing neighborhood livability issues.

Staff developed code concepts based on the City's Food Security Scoping and Resource Plan, as well as a review of code from a broad range of other cities. Following the drafting of the concepts, staff met with several community stakeholders with expertise in the field. The concepts were also distributed to City staff for review to ensure consistency with other codes and programs. Staff from planning, land use, code enforcement, and legal have provided specific comments on the proposals. Based on this feedback, a city staff team drafted code language addressing the farm animal standards. The draft code language is provided as Attachment B. The current farm animal standards from the land use code are included as Attachment C.

A website devoted to the project was recently created, and a news release will be sent out by the City to inform the broader public about the draft code amendments. The neighborhood associations were provided information about the code amendments, including the website, and were also sent notice of the public hearing. Public feedback is also expected as part of the formal hearing process.

**PLANNING COMMISSION FEEDBACK**

At today's work session, staff would like feedback on the proposed concepts, Attachment A, and whether or not the proposed number of allowed farm animals seems reasonable for residential developments within the city limits. Following the public hearing, there will be time to deliberate on the proposed code language.

**NEXT STEPS**

The formal public process on the proposed code amendments is slated to begin with a Planning Commission Public Hearing scheduled for December 11, 2012. Following a Planning Commission recommendation, the City Council will hold a public hearing and take action in early 2013.

**FOR MORE INFORMATION**

Kristie Brown, 541-682-6041 or [kristie.a.brown@ci.eugene.or.us](mailto:kristie.a.brown@ci.eugene.or.us)

**ATTACHMENTS**

- A. Farm Animal Code Concepts
- B. Proposed Farm Animal Code Language
- C. Current Farm Animal Code Language



## **FARM ANIMAL CODE CONCEPTS**

DRAFT – November 13, 2012

### **Overall Goal of the Farm Animal Code Amendments**

Revise the land-use code to allow increased opportunities for raising “micro-livestock” within the city limits. These amendments are intended to:

- Increase the number of farm animals allowed in an urban setting
- Promote and encourage compatibility within an urban environment
- Promote the City of Eugene Food Security Scoping and Resource Plan
- Supports a strategy in Envision Eugene under the Climate Change and Energy Resiliency pillar and the Climate and Energy Action Plan

### **Proposal for Farm Animal Standards**

*Purpose:* Allow for the increased opportunities for residential urban farming, including standards addressing compatibility.

| Standard                                                        | Current Standard in Land Use Code                                                                                                                                                                                                               | Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General Requirements                                            | <ul style="list-style-type: none"> <li>• No roosters</li> </ul>                                                                                                                                                                                 | <p>Consider the following:</p> <ul style="list-style-type: none"> <li>• Require all persons keeping farm animals to reside on or adjacent to the development site on which the animals are kept, include exception for school &amp; church uses</li> <li>• No roosters, geese, peacocks, turkeys or other similar loud fowl</li> </ul>                                                                                                                                                                                                                           |
| Farm Animals Allowed (Less than 20,000 sq.ft development site)  | <ul style="list-style-type: none"> <li>• Up to 2 adult rabbits or fowl over 6 months of age are allowed in R-1, R-1.5, R-2, R-3, &amp; R-4 zones</li> </ul>                                                                                     | <p>Consider allowing the following:</p> <ul style="list-style-type: none"> <li>• Permitted outright in R-1, R-2, R-3, R-4, AG agricultural, and all special area zones which allow residential uses:</li> <li>• Up to 6 chickens over 6 months of age</li> <li>• Up to 6 of any combination of rabbits or domestic fowl (not including chickens) over 6 months of age</li> <li>• Up to 2 miniature goats, provided that the males are neutered</li> <li>• No more than 1 miniature pig up to 150 pounds</li> <li>• Up to 2 bee hives; w/ water source</li> </ul> |
| Farm Animals Allowed (20,000 sq.ft or greater development site) | <p>The following are allowed in AG agricultural &amp; R-1 zones:</p> <ul style="list-style-type: none"> <li>• Rabbits and fowl (no limit)</li> <li>• Cows, horses, sheep, goats, emus, and llamas must meet minimum area requirement</li> </ul> | <p>Consider allowing all the following in R-1, R-2, AG agricultural, and all special area zones which allow residential uses:</p> <ul style="list-style-type: none"> <li>• Chickens, rabbits and domestic fowl (no limit)</li> <li>• Up to 2 miniature goats provided that the males are neutered. Additional</li> </ul>                                                                                                                                                                                                                                         |

|                   |                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   |                                                                                                                                                                                                                       | <p>goats are allowed subject to the minimum area requirement</p> <ul style="list-style-type: none"> <li>• No more than 1 miniature pig up to 150 pounds</li> <li>• Up to 4 bee hives; w/ water source</li> <li>• Cows, horses, sheep, goats, emus, alpacas, and llamas subject to the minimum area requirement</li> </ul>                                           |
| Care of Animals   | None required                                                                                                                                                                                                         | Prohibits mistreatment and neglect of farm animals                                                                                                                                                                                                                                                                                                                  |
| Sanitation        | <ul style="list-style-type: none"> <li>• No accumulation of farm animal waste allowed.</li> <li>• No odors detectable beyond the property line.</li> <li>• Food must be stored in rodent-proof containers.</li> </ul> | <p>Clarify/strengthen requirements:</p> <ul style="list-style-type: none"> <li>• Add language regarding the purpose of the sanitation standards</li> <li>• Add language regarding disposal of animal waste</li> </ul>                                                                                                                                               |
| Noise             | No code standard in Chapter 9; Noise disturbances regulated by Chapter 4                                                                                                                                              | <p>Add requirements in Chapter 9:</p> <ul style="list-style-type: none"> <li>• Animals that make frequent or long, continued noise on a sustained basis during a 15-minute period shall constitute a noise disturbance</li> </ul>                                                                                                                                   |
| Fencing           | Shall be designed and constructed to confine farm animals to the owner's property                                                                                                                                     | <p>Clarify/strengthen requirements:</p> <ul style="list-style-type: none"> <li>• Fencing is required</li> <li>• Fencing must meet applicable base &amp; overlay zone standards related to height and setback</li> </ul>                                                                                                                                             |
| Enclosures        | None required                                                                                                                                                                                                         | <ul style="list-style-type: none"> <li>• Requires enclosure which provides shelter for all farm animals, which is roofed and at least two sided</li> <li>• Enclosure must meet applicable base &amp; overlay zone standards related to height and setback</li> </ul>                                                                                                |
| Required Setbacks | Structures that house farm animals are required to be located at least 25 feet from existing residences (except the animal owner's) and 10 feet from interior lot line.                                               | <ul style="list-style-type: none"> <li>• Structures are required to be 15 feet from residences on adjacent lots</li> <li>• Structures must meet setback requirements of base &amp; overlay zone</li> <li>• Bee hives shall be a minimum of 15 feet from property line if lot is less than 20,000 sq. ft. and 25 feet if lot is 20,000 sq. ft. or greater</li> </ul> |
| Minimum Lot Size  | No minimum lot size; except for the keeping of cows, horses, sheep, goats, emus, and llamas on lots                                                                                                                   | No change proposed                                                                                                                                                                                                                                                                                                                                                  |

|                              |                                                                                                                                                                                                                                  |                                                                                                          |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
|                              | 20,000 sq.ft or greater                                                                                                                                                                                                          |                                                                                                          |
| Area Requirement for Animals | <p>On lots 20,000 sq.ft or greater a minimum area per animal (over 6 months of age):</p> <ul style="list-style-type: none"> <li>• Cows, horses: 10,000 sq. ft.</li> <li>• Sheep, goats, emus, and llamas: 5,000 sq.ft</li> </ul> | Add minimum area of 5,000 sq. ft. for miniature cows, miniature horses, miniature goats, and alpacas     |
| Harvesting                   | Not permitted                                                                                                                                                                                                                    | Chickens, fowl, and rabbits may be slaughtered on site out of view of public areas and adjacent property |



**PROPOSED CODE LANGUAGE****Farm Animal Standards**

November 13, 2012

**9.5250 Farm Animal Standards.** The purpose of these standards is to allow for increased opportunities for residential urban farming within the city limits, while encouraging compatibility within the urban environment. For purposes of this section, farm animals shall include, but are not limited to; fowl, rabbits, goats, horses, cattle, sheep, llamas, emu, alpacas, swine, and bee hives; excluding dogs and cats. All of the following standards are applicable to the keeping of farm animals:

**(1) General:**

- (a) Except for school and church uses, all persons keeping farm animals shall reside on or adjacent to the development site on which the animals are kept.
- (b) Roosters, geese, peacocks, turkeys, and other similar loud fowl are prohibited.

**(2) Farm Animals Allowed:**

- (a) Development sites less than 20,000 square feet and located in R-1, R-2, R-3, or R-4 Residential zones, AG agricultural, and all special area zones which allow residential uses, are allowed all of the following:
  - 1. Chickens. Up to 6 female chickens over six months of age.
  - 2. Rabbits and Domestic Fowl. Up to 6 of any combination of rabbits or domestic fowl over six months of age, not including chickens.
  - 3. Miniature Goats. Up to 2 miniature goats, commonly known as Pygmy, Dwarf, and Miniature Goats, provided that the males are neutered.
  - 4. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
  - 5. Beekeeping. Up to 2 hives used for honey or pollination purposes, provided that they are located 15 feet from all property lines and a water source is provided on site.
- (b) Development sites 20,000 square feet or greater and located in R-1 or R-2 residential zones, AG agricultural, and all special area zones which allow residential uses, are allowed all of the following:
  - 1. Chickens, Rabbits, and Domestic Fowl. There is no limit on the number of female chickens, rabbits, or domestic fowl.
  - 2. Miniature Goats. Up to 2 miniature goats, commonly known as Pygmy, Dwarf, and Miniature Goats, provided that the males are neutered. Additional miniature goats are allowed subject to the area requirement in section (9) below.
  - 3. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.

4. Beekeeping. No more than 4 hives used for honey or pollination purposes, provided that they are located 25 feet from all property lines and a water source is provided on site.
  5. Cows, miniature cows, horses, miniature horses, sheep, goats, emus, alpacas, and llamas. Limited by the area requirement in section (9) below.
- (3) **Care of Animals.** No person shall subject any animal to cruel mistreatment or cruel neglect. This includes, but not limited to; depriving any animal of necessary food, drink, shelter, sanitation, space, exercise, and emergency veterinary treatment; abandonment of any animal; and willfully tortures and inflicts inhumane injury or pain on any animal.
- (4) **Sanitation.** Proper sanitation shall be maintained for all farm animals at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals or constitute a nuisance, which includes all of the following:
- (a) Disposing of animal waste matter and not allowing it to accumulate;
  - (b) Ensuring odors resulting from the animals are not detectable beyond property lines; and
  - (c) Storing all food in metal or other pest-proof containers.
- (5) **Noise.** All persons keeping farm animals may not keep an animal that makes frequent or long, continued noise on a sustained basis during a 15-minute period shall constitute a noise disturbance.
- (6) **Fencing.** Fencing is required and shall be designed and constructed to confine all farm animals to the owner's property. The fence type, location, and height are those required for fences in the applicable base and overlay zone.
- (7) **Enclosures.** An enclosure is required and shall be designed and constructed to provide shelter for all farm animals. The enclosure location and height are those required for accessory structures in the applicable base and overlay zone.
- (8) **Required Setbacks.** All structures designed and used to provide shelter for farm animals shall be located at least 15 feet from all existing residences on adjacent lots, while complying with those required setbacks for accessory structures in the applicable base and overlay zone.
- (9) **Minimum Lot Size.** Minimum lot size of 20,000 square feet in order to keep cows, horses, sheep, goats, emus, alpacas, and llamas.
- (10) **Area Requirement for Animals.** Minimum area of development site per animal over 6 months of age:
- (a) Cows and horses: 10,000 square feet
  - (b) Miniature cows, miniature horses, sheep, miniature goats, goats, emus, alpacas, and llamas: 5,000 square feet
- (11) **Harvesting.** Only chickens, fowl, and rabbits may be slaughtered on site in a humane and sanitary manner as long as it is not done in view from any public area or any adjacent property owned by another.

## CURRENT CODE LANGUAGE

### Farm Animal Standards

- 9.5250**     **Farm Animal Standards.** All of the following standards are applicable to farm animals:
- (1)     **Farm Animals Allowed:**
    - (a)     Except as provided in subsection (1)(b) below, up to 2 adult rabbits or fowl (no roosters) over 6 months of age are allowed in any residential zone.
    - (b)     Rabbits, fowl (no roosters), cows, horses, sheep, goats, emus, and llamas are allowed in AG and R-1. There is no limit on the number of fowl (no roosters) or rabbits over 6 months of age permitted in AG and R-1 provided they are on a development site that contains at least 20,000 square feet and they meet the farm animal standards.
  - (2)     **Sanitation:** Proper sanitation shall be maintained for all farm animals. Proper sanitation includes:
    - (a)     Not allowing farm animal waste matter to accumulate,
    - (b)     Taking necessary steps to be sure odors resulting from farm animals are not detectable beyond property lines, and
    - (c)     Storing all farm animal food in metal or other rodent-proof containers.
  - (3)     **Fencing:** Shall be designed and constructed to confine all farm animals to the owner's property.
  - (4)     **Setbacks:** All structures that house farm animals shall be located at least 25 feet from all existing residences (except the animal owner's) and at least 10 feet from interior lot lines.
  - (5)     **Minimum Lot Size and Area for Large Animals:**
    - (a)     Minimum lot size of 20,000 square feet for cows, horses, sheep, goats, emus, and llamas.
    - (b)     Minimum area per animal over 6 months of age:
      - Cows, horses: 10,000 square feet
      - Sheep, goats, emus, and llamas: 5,000 square feet

*(Section 9.5250, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*





## AGENDA ITEM SUMMARY

November 19, 2012

**To:** Eugene Planning Commission  
**From:** Alissa Hansen, City of Eugene Planning Division  
**Subject:** Envision Eugene Implementation: Single Family Code Amendments

### ACTION REQUESTED

This work session provides the Planning Commission with an update and opportunity to provide feedback on land use code amendment concepts related to single family housing. Consistent with Envision Eugene, the purpose of these code amendments is to expand housing variety and choice by making it easier to build smaller, compatible and legal homes in areas zoned for low density residential development, and to accommodate a portion of the city's 20 year need for single-family housing inside the current urban growth boundary (UGB).

### BRIEFING STATEMENT

These code amendments will implement several Envision Eugene strategies under the housing affordability and neighborhood livability pillars, and are also land use efficiency strategies to increase the number of homes that can fit inside the current UGB. (See Envision Eugene Technical Summary on Land for Single-family Homes). It is estimated that approximately 160 additional single-family homes over 20 years can be accommodated within the current UGB through these strategies. These code amendments address the following topics:

1. **Alley Access Lots:** The goal is to allow for the creation of a lot that fronts an alley rather than a street and is created from the rear portion of an existing lot, and include standards addressing compatibility. This type of land division was allowed in the R-1 zone prior to the adoption of the 2001 land use code update, without specific design or development standards addressing compatibility. Alley access lots are currently allowed in the S-C Chambers Special Area Zone and the S-JW Jefferson Westside Special Area Zone subject to standards that address compatibility.
2. **Secondary Dwelling Units:** The goal is to promote legal secondary dwelling units by improving compatibility, and clarifying ownership and occupancy requirements. Note: A related concurrent Envision Eugene implementation project is studying the possibility of restructuring system development charges (SDCs) to incentivize secondary dwelling units.
3. **Accessory Structures:** The goals are to promote compatibility, and to clarify the distinction between accessory structures and primary dwellings or secondary dwelling units.

Prior to drafting the code concepts, staff created design principles, which are provided as Attachment A. These principles outline the intentions guiding development of the concepts for the code amendments. They do not address the specific design of the dwelling, but instead focus on the

exterior form and scale and how the dwelling is situated on the lot and in the neighborhood. Using these principles as a guide, staff crafted code concepts to be used as a starting point for discussion. These initial code concepts were largely influenced by the previous work of the Infill Compatibility Standards (ICS) project, specifically the R-1 Infill/Flag Lot Implementation Team (RIFLIT), as well as the Neighborhood Livability Working Group, best practices from other cities, and a review of Eugene land use code.

The design principles and the code concepts were then reviewed by an external advisory group comprised of neighborhood advocates, designers and builders with expertise in single family housing, and two Planning Commissioners. The majority of the members of the advisory group were also part of the original ICS/RIFLIT team, so they are well versed in the previous ICS work surrounding this topic. This engaged and productive group has met four times to-date to vet and provide advice and recommendations on the concepts. To help determine characteristics of desired form, and to help visualize the outcome of the concepts, staff provided drawings of the different concepts, as well as photos of existing homes.

During the advisory group's discussions, the issues of looming walls, incompatible building heights (and associated loss of solar access) and loss of privacy have been common themes. Many of the group's recommendations focus on addressing these specific concerns, and include such concepts as sloped setbacks, building height limits, and parking area limitations. The group has also spent time discussing not only the need to keep the code simple, but also the need for an alternative path to allow for flexibility and creative designs. The attached draft code concepts (see Attachment B) reflect the recommendations supported by the advisory group, except where noted as they have not completed their review of all concepts. The group is scheduled to meet at least once more before the end of the month to finish their review.

Although the current set of proposed amendments only covers a portion of the single-family recommendations for code amendments that came out of the RIFLIT team (specifically those necessary for the city to adopt a new UGB), the city is committed to implementing the remaining recommendations (such as flag lots and sloped setbacks) as part of the ongoing implementation of Envision Eugene. These are included in our work program as part of the second round of code amendments to implement Envision Eugene, and are slated to begin following completion of the Envision Eugene adoption package.

#### **PLANNING COMMISSION FEEDBACK**

The Planning Commission is asked to provide feedback on whether the code concepts are achieving their objectives, rather than focus on the precise wording, as there will be additional opportunities to review actual code language. Are they generally meeting the intentions as outlined in the design principles? Do they appear to adequately address compatibility, while not making it more difficult to build smaller homes? Keep in mind that these have been reviewed by an advisory group with experience and expertise in the topic.

#### **NEXT STEPS**

Following the advisory group's completion of their review of the code concepts, staff will begin drafting code language consistent with the concepts. This code language will be reviewed by the advisory group, as well as by other city staff to ensure consistency with other codes and programs.

Broader public feedback is expected as part of the formal hearing process.

**FOR MORE INFORMATION**

Alissa Hansen, 541-682-5508 or [alissa.h.hansen@ci.eugene.or.us](mailto:alissa.h.hansen@ci.eugene.or.us)

**ATTACHMENTS**

- A. Single Family Design Principles
- B. DRAFT Single Family Code Amendment Concepts



## **Design Principles**

### **for Alley Access Houses, Secondary Dwelling Units, and Accessory Structures**

REVISED DRAFT October 12, 2012

#### **Alley Access Lots and Dwellings**

##### **Building Form and Scale**

Building form and scale fits the fabric and pattern of the neighborhood.

Building scale is subordinate to the scale of primary houses in the neighborhood.

Building form complements the design of the existing dwelling on the lot and the primary design pattern in the neighborhood.

Building form and scale complement existing designated adjacent historic properties.

##### **Site**

The alley dwelling fits well in the neighborhood community.

The siting of the alley dwelling achieves privacy and a sense of security for the residents and neighbors.

The site contains private outdoor space, including vegetated area.

The site design takes advantage of existing trees and other vegetation to maintain mature neighborhood landscape character.

##### **Building**

Windows and views from the dwelling do not significantly diminish privacy on adjacent properties.

The entry to the dwelling is recognizable, inviting and directly accessible from the alley or street.

##### **Access/Vehicle accommodation**

Paving and vehicle storage is proportional and subordinate to size of dwelling.

### **Secondary Dwelling Units (SDU)**

#### **Building Form and Scale**

Building form fits the fabric and pattern of the neighborhood.

Building scale is subordinate to primary dwellings in the neighborhood.

Building scale is subordinate to the existing dwelling on the lot.

Building form complements the primary dwelling on the lot or the primary pattern in the neighborhood.

Auto storage for the SDU is subordinate to the SDU.

#### **Site**

Access is provided to private outdoor space.

SDU is sited to maintain a useful outdoor space for both the primary dwelling and the SDU.

#### **Building**

Windows and views from SDU do not significantly diminish privacy on adjacent properties.

The entry to the dwelling is recognizable, inviting and directly accessible from the street or alley.

### **Accessory Structures**

#### **Function**

The uses in accessory structures are distinctly different than in SDUs.

Using an accessory structure should not disturb the surrounding neighborhood.

#### **Form and Scale**

Building form complements the fabric and pattern of the neighborhood.

Accessory structure scale is subordinate to the primary dwelling on the lot.

#### **Site**

Building location creates positive outdoor space on the lot for the use of the residents.

## **ENVISION EUGENE- SINGLE FAMILY CODE AMENDMENT CONCEPTS**

DRAFT – November 9, 2012

### **Overall Goal of the Single Family Code Amendments**

Expand housing variety and choice by making it easier to build legal, compatible smaller houses in the R-1 Low Density Residential Zone while fulfilling a portion of the city's 20 year need for single-family housing. These amendments are intended to:

- Allow for the creation of alley access lots
- Promote secondary dwelling units
- Promote distinction between accessory structures, and primary or secondary dwelling units

### **Concepts for Alley Access Lots**

*Purpose:* Allow for the creation of a lot that fronts an alley rather than a street and is created from the rear portion of an existing lot, including standards addressing compatibility.

| Proposed Code Concepts                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Allowance                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Zone                                                  | R-1 Low Density Residential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Size of original lot                                  | Minimum of 9,000 square feet in area. Could be created from one lot or two consolidated lots.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Distance from centerline of alley/street intersection | 150 feet from farthest point of new dwelling (or alternatively, provide 20 feet of alley right-of-way)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Lot Standards for Land Divisions                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Minimum lot size for alley lot                        | 2,250 square feet                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Maximum lot size for alley lot                        | Not to exceed 40 percent of the original lot                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Minimum frontage/ lot width for alley lot             | 50 feet                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Minimum lot depth for alley lot                       | No portion of lot shall have a depth less than 35 feet                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Minimum/maximum standards for street lot              | Same as R-1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Alley Standards                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Right-of-way width                                    | Minimum 14 feet of right-of-way (if existing alley has 12 feet of right-of-way, acceptable to dedicate 1-foot to create 7-feet of right-of-way from centerline)                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Level of improvement                                  | Minimum paving width 12-feet, or allow for gravel through a temporary surfacing permit. Consider allowing alternative paving methods, such as concrete ribbons. If not fully improved, okay to defer public improvements via an irrevocable petition. (Irrevocable petitions enable the City to initiate a local improvement process and obligate the property owners to pay their proportional share of the alley or street construction costs in the future. The City could construct the alley or street when the majority of benefitting property owners agrees to pay for the improvements.) |

| Development/Design Standards for Alley Lots |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Maximum building size                       | <ul style="list-style-type: none"> <li>• Limit home size to 1,000 square feet</li> <li>• For 1 ½ story dwellings, limit square footage on upper floor.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Lot coverage                                | <ul style="list-style-type: none"> <li>• Include all roofed areas as part of lot coverage.</li> <li>• Limit size of dwelling (see above) and size of accessory structures.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Maximum building height/sloped setback      | <ul style="list-style-type: none"> <li>• For 1 ½ story dwelling: At a point that is 14 feet above finished grade, the setback shall slope at 6:12 pitch horizontally away from the property line to a maximum building height of 24 feet. Limit any balconies or other second floor outdoor spaces to be at least 10 feet from interior property lines (not including the alley property line)</li> <li>• For single story dwelling: At a point that is 12 feet above finished grade, the setback shall slope at 6:12 pitch horizontally away from the property line to a maximum building height of 18 feet.</li> <li>• Not eligible for 7 foot additional height allowance for 6:12 roof pitch</li> </ul> |
| Dormers/windows/balconies                   | <ul style="list-style-type: none"> <li>• Limit any balconies or other upper floor outdoor spaces to be at least 10 feet from interior property lines (not including alley property line).</li> <li>• Allow up to two dormers on wall that is 10 feet or greater from any property line. (No dormers would be allowed on walls closer than 10 feet from any property line.)</li> <li>• Limit dormer to 10 feet in width</li> <li>• Any window on the upper story must be located a minimum of 10 feet from any property line.</li> </ul>                                                                                                                                                                     |
| Maximum number of bedrooms                  | No more than 3 bedrooms                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Minimum building setbacks                   | <ul style="list-style-type: none"> <li>• 5 feet from all interior yards, including alley</li> <li>• Consider allowing less than 5 feet if there is at least 10 feet between structures and neighbor consent.</li> <li>• Allow eaves and chimneys to project into setback no more than two feet. No other building features are allowed to project into setbacks.</li> </ul>                                                                                                                                                                                                                                                                                                                                 |
| Primary entrance                            | <ul style="list-style-type: none"> <li>• Defined by a covered or roofed entrance with a minimum depth of three feet.</li> <li>• Served by a maximum three-foot wide hard-surfaced/hard-scaped (paved, concrete or pavers) pedestrian walkway from the alley or front street. Pedestrian walkway must be recognizable and distinct from driveway, but does not need to be separated from parking area/driveway.</li> </ul>                                                                                                                                                                                                                                                                                   |



|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| On-site parking requirement | Minimum of 1 space/maximum 2 spaces                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Parking/driveway            | <ul style="list-style-type: none"> <li>• May be located in an interior yard setback</li> <li>• Only one covered or enclosed parking space may be provided (carport or garage) and must be counted as one space. Garage cannot exceed 16 feet by 24 feet with a maximum garage door size of nine feet in width.</li> <li>• Garage must be setback either 5 feet, or at least 8 feet to allow for adequate sized parking space. If setback 8 feet, must meet parallel parking space requirement (see below) and be counted as second parking space.</li> <li>• Maximum width for a driveway accessing a single-car garage or carport is 12 feet.</li> <li>• Maximum area for one parking space: 12 feet by 20 feet</li> <li>• Maximum area for two side by side parking spaces: 20 feet by 20 feet</li> <li>• Maximum area for two tandem parking spaces: 12 feet by 36 feet</li> <li>• If parking space is parallel to alley, space not to exceed 20 feet along length of alley (only one parallel space to be allowed)</li> <li>• Total vehicle use area (including but not limited to driveways and on-site parking, but not including enclosed parking space) not to exceed 450 sq. feet</li> </ul> |
| Trash/recycling             | Must be screened/stored so not visible from alley                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Accessory structures        | <ul style="list-style-type: none"> <li>• Garages and other accessory structures allowed.</li> <li>• Secondary dwelling unit not allowed on alley access lot</li> <li>• Accessory building size should be limited, (subordinate to house) and fit within sloped setback. Advisory group has not yet provided recommendation on size/height/sloped setback.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Utilities                   | Allow for overhead utility lines in certain cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Flexibility</b>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Adjustment review           | Consider adjustments to certain standards (subject to relevant and robust criteria)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Non-conforming              | Allow for existing houses or secondary dwelling units to become alley access lot homes (subject to adjustment review)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

Concepts for Secondary Dwelling Units

*Purpose:* Promote legal secondary dwelling units by improving compatibility, and clarifying ownership and occupancy requirements. Note: Related project is studying the possibility of restructuring system development charges (SDCs).

| Standard                | Current Standard in Land Use Code                                                                                                                                                                                                                                                                                                                       | Proposed Concept                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Occupancy               | Either the primary dwelling or the secondary dwelling shall be occupied by the property owner                                                                                                                                                                                                                                                           | Clarify/strengthen current requirements: <ul style="list-style-type: none"> <li>Property owner with at least 50 percent interest in property must occupy primary dwelling or SDU for at least 6 months of each calendar year</li> <li>Must provide verification/documentation of ownership/occupancy (driver's license, income tax verification, deed etc)</li> </ul>                                                    |
| Lot size                | <ul style="list-style-type: none"> <li>For attached SDUs: Except for flag lots, the lot shall be at least 4,500 square feet.</li> <li>For detached SDUs: Except for flag lots, the lot shall be at least 6,000 square feet.</li> <li>Flag lots shall contain at least 13,500 square feet to permit a SDU</li> </ul>                                     | No changes proposed                                                                                                                                                                                                                                                                                                                                                                                                      |
| Building setbacks       | Front yard setback: 10 feet<br>Interior yard setback: 5 feet                                                                                                                                                                                                                                                                                            | No changes proposed                                                                                                                                                                                                                                                                                                                                                                                                      |
| Solar setbacks          | Applicable to all structures on R-1 and R-2 zoned lots, 4000 square feet or greater, with a minimum north-south dimension of 75 feet. Requires buildings on such lots to be setback from northern property line based on several factors.                                                                                                               | No changes proposed; however, solar access is improved by proposed changes to maximum building height (see below).                                                                                                                                                                                                                                                                                                       |
| Maximum building height | <ul style="list-style-type: none"> <li>For attached SDUs, 30 feet, measured at highest point</li> <li>For detached SDUs located greater than 20 feet from a property line, 20 feet, measured at the highest point</li> <li>For detached SDUs, if located within 20 feet of a property line, maximum building height shall not exceed 15 feet</li> </ul> | <ul style="list-style-type: none"> <li>For attached SDUs, no change.</li> <li>For detached SDUs, limit height to 1 story, not to exceed 15 feet at highest point, or 18 feet at highest point if roof slope is 6:12 or steeper</li> <li>7 foot allowance for roof slopes of 6:12 or steeper would not to apply to detached SDUs</li> <li>In certain circumstances, allow adjustment review to allow for other</li> </ul> |

ATTACHMENT B

|                       |                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | <ul style="list-style-type: none"> <li>In all cases, for roof slopes of 6:12 or steeper, an additional height of 7 feet is allowed</li> </ul>        | <p>itches that do not exceed height</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Building size         | The building shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use           | <ul style="list-style-type: none"> <li>Dwelling not to exceed 800 square foot footprint unless occupying the full story of a multi-story structure with ground floor residential use.</li> <li>Additional square footage allowed (300 square feet) for storage or garage if non-heated space</li> <li>Footprint is defined as the exterior perimeter of the dwelling (not including an attached garage)</li> <li>Clarify that hallways, closets, utility rooms, laundry rooms and bathrooms are included in dwelling footprint.</li> </ul> |
| Bedrooms              | No established minimum or maximum                                                                                                                    | Set maximum number of bedrooms at 2 for attached or detached, except SDUs occupying the full story of a multi-story structure with ground floor residential may have 3 bedrooms                                                                                                                                                                                                                                                                                                                                                            |
| Lot coverage          | Entire lot must not exceed 50-percent lot coverage                                                                                                   | No changes proposed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Parking               | Requires at least 1 off street parking space on the property (in addition to 1 space minimum requirement for primary dwelling)                       | No changes proposed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Pedestrian walkway    | For detached dwellings, a pedestrian walkway from the street or alley to the primary entrance of the SDU is required.                                | No changes proposed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Primary entrance      | For detached dwellings, the primary entrance must be defined by a roofed porch.                                                                      | Change roofed porch to a covered or roofed entrance and require a minimum roof depth of three feet.                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Outdoor storage/trash | For detached dwellings, outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley. | No changes proposed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Utilities             | Required to be underground                                                                                                                           | Allow overhead in some cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Attachment            | No minimum requirement                                                                                                                               | If attached, primary dwelling and SDU must share common wall for a minimum of 8 feet or ½ length of the common wall, whichever is greater                                                                                                                                                                                                                                                                                                                                                                                                  |

ATTACHMENT B

Note: Advisory Group has not completed reviewed or provided recommendations on concepts below

|                   |                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Adjustment review | No adjustments permitted                                                                                                                                                                 | Adjustment review to allow for design flexibility<br><br>Adjustment review process to allow for existing legal accessory structures in place prior to adoption of these standards to be converted to legal SDUs                                                                                                                                                                                                                                                                                |
| Non-Conforming    |                                                                                                                                                                                          | Include language that legal SDUs permitted prior to adoption date of new standards are exempt from the meeting these standards and are considered legal                                                                                                                                                                                                                                                                                                                                        |
| Second Floor      | Allowed as a result of changes to building height measurement (previously measured at midpoint, now measured at highest point, with a 7 foot allowance for roof pitches 6:12 or greater) | Consider allowing an SDU over a garage or other storage area subject to compatibility standards (size, height, design), including: <ul style="list-style-type: none"> <li>• 450-500 square feet dwelling size limit with one bedroom</li> <li>• 22 feet of building height with required pitch (sloped setback)</li> <li>• Sill height limitations</li> <li>• Window/dormer size and location limits (facing alley, with no windows or balconies facing adjacent lots to the sides)</li> </ul> |

**Concepts for Accessory Structures**

*Purpose:* To promote compatibility and to clarify distinction between accessory structures, and primary dwellings or secondary dwelling units.

**NOTE:** *Advisory Group has not reviewed or provided recommendations on these concepts.*

| Standard         | Current Standard in Land Use Code                                                                                                                                                                                                                                                                                                          | Proposed Concepts                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use              | Accessory uses are permitted outright. Examples include a garage, storage shed and services primarily for use by residents on the site, such as a recreation room and laundry facility. Parking areas and garages constructed and used for a principle use on the development site, such as an apartment, are allowed as an accessory use. | Clarify that accessory buildings: <ul style="list-style-type: none"> <li>• Shall not be used as a dwelling unit.</li> <li>• May contain a full bath or a full kitchen, but must not contain both. (define full bathroom and full kitchen)</li> <li>• Require deed restriction limiting use of structure as noted above</li> </ul>                                                                                                                                                                                                                                                                                                                               |
| Height/footprint | <ul style="list-style-type: none"> <li>• Maximum height of 20 feet</li> <li>• For roof slopes of 6:12 or steeper, an additional height of 7 feet is allowed</li> <li>• No minimum/maximum building footprint/square footage</li> </ul>                                                                                                     | <ul style="list-style-type: none"> <li>• Structure should be subordinate to primary building on the site.</li> <li>• Maximum height: 1 story, not to exceed 15 feet at highest point, or 18 feet at highest point for if roof slope is 6:12 or steeper</li> <li>• 7 foot allowance for roof slopes of 6:12 or steeper would not to apply</li> <li>• The total square footage of all accessory structures cannot exceed the square footage of the primary residential structure (square footage to include total of any multi-story structure)</li> <li>• Include allowances for agricultural uses (barn) and RV storage. Consider basing on lot size</li> </ul> |
| Setbacks         | <ul style="list-style-type: none"> <li>• Front yard setbacks: 10 feet</li> <li>• Front yard setbacks for garages and carports: 18 feet</li> <li>• Interior yard setback: 5 feet</li> <li>• Interior yard setback for buildings on flag lot created after 5/25/02: 10 feet</li> </ul>                                                       | No changes proposed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Attachment       | No minimum requirement                                                                                                                                                                                                                                                                                                                     | If attached, primary dwelling and accessory use must share common wall for a minimum of 10 feet or ½ length of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

**ATTACHMENT B**

|                   |                          |                                                                                                                                                                         |
|-------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   |                          | the common wall, whichever is greater, or not exceed height/square footage of primary dwelling to be considered attached (and thus not an accessory structure).         |
| Adjustment review | No adjustments permitted | Consider adjustment based on physical constraints                                                                                                                       |
| Non-conforming    |                          | Include language that legal accessory structures permitted prior to adoption date of new standards are exempt from the meeting these standards and are considered legal |



# Plan for Climate Change and Energy Resiliency

**3.** Reduce physical and economic risks to people and property arising from climate change and energy price volatility.

- a. Plan for increased frequency of flooding, increased risk of wildfires (particularly in the south hills), and increased risk of landslides (particularly on steep slopes).
- b. Anticipate and plan for climate and energy related impacts to food production and distribution, housing, emergency services, and urban infrastructure (i.e. water, sewer, energy, and streets ), in coordination with the Eugene-Springfield Natural Hazards Mitigation Plan.
- c. Facilitate urban agriculture by evaluating and removing barriers in the land use code and permitting processes to the development of home-grown food sources, including backyard and community gardens, urban food orchards, and micro-livestock, in accordance with the Food Security Scoping and Resource Plan.

**4.** Align incentives, costs and city processes to promote resource efficient buildings, smaller homes and development towards the city core.

- a. Complete an assessment of incentives, including implementation of variable or restructured systems development charges (SDCs).



Local farm



Transportation options

## Best Outcomes - Statements from Community Resource Group Participants

"Eugene is nationally recognized as a model for how to create 20-minute neighborhoods."

"We continue our reputation as a livable, bikeable, green city but also embrace how we need to change."

"Corridors are transformed into beautiful walkable streets that have vibrant nodes of housing and services that facilitate "20-minute living."

"Quality of life goes up and we protect valuable farm land and grow in a way that is consistent with our values."

*\* Excerpt from Envision Eugene document*





Mailed 11/6/12 KB

- ☒ **DLCD Notice of Proposed Amendment or**  
☐ **Periodic Review work Task Proposed Hearing or**  
☐ **Urban Growth Boundary or Urban Reserve Area**

**THIS COMPLETED FORM**, including the text of the amendment and any supplemental information, **must be submitted to DLCD's Salem office at least 35 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING** ORS 197.610, OAR 660-018-0020 and OAR 660-025-0080

Jurisdiction: **City of Eugene**

Date of First Evidentiary Hearing: **12/11/2012**

Local File Number: **CA 12-2**

Date of Final Hearing: **01/22/2013**

Is this a **REVISION** to a previously submitted proposal? ☒ No ☐ Yes Original submittal date:

- |                                                                      |                                                              |
|----------------------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Comprehensive Plan Text Amendment(s)        | <input type="checkbox"/> Comprehensive Plan Map Amendment(s) |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment(s) | <input type="checkbox"/> Zoning Map Amendment(s)             |
| <input type="checkbox"/> Transportation System Plan Amendment(s)     | <input type="checkbox"/> Urban Growth Boundary Amendment(s)  |
| <input type="checkbox"/> Periodic Review Work Task Number _____      | <input type="checkbox"/> Urban Reserve Area Amendment(s)     |
| <input type="checkbox"/> Other (please describe):                    |                                                              |

**Briefly Summarize Proposal in plain language IN THIS SPACE (maximum 500 characters):**

**Revise the land-use code to allow increased opportunities for raising "micro-livestock" within the city limits and encourage compatibility within the urban environment.**

Has sufficient information been included to advise DLCD of the effect of proposal?

☒ Yes, text is included

Are Map changes included: minimum 8½"x11" color maps of Current and Proposed designations.

☐ Yes, Maps included

Plan map change from:

To:

Zone map change from:

To:

Location of property (Site address and TRS):

Previous density range:

New density range:

Acres involved:

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1                                   | 2                                   | 3                        | 4                        | 5                        | 6                        | 7                        | 8                        | 9                        | 10                       | 11                       | 12                       | 13                       | 14                       | 15                       | 16                       | 17                       | 18                       | 19                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Is an exception to a statewide planning goal proposed? ☐ YES ☒ NO Goal(s):

Affected state or federal agencies, local governments or special districts (It is jurisdiction's responsibility to notify these agencies).

Local Contact person (name and title): **Kristie Brown, Land Use Analyst**

Phone: **541-682-6041**

Extension:

Address: **99 W. 10<sup>th</sup> Ave.**

City: **Eugene**

Zip: **97401-**

Fax Number: **541-682-5572**

E-mail Address: **kristie.a.brown@ci.eugene.or.us**

**- FOR DLCD internal use only -**

DLCD File No \_\_\_\_\_

# SUBMITTAL INSTRUCTIONS

This form must be submitted to DLCD at least 35 days prior to the first evidentiary hearing.  
per ORS 197.610, OAR Chapter 660, Division 18 and OAR Chapter 660, Division 25

1. This Form 1 must be submitted by a local jurisdiction. Individuals and organizations may not submit a comprehensive plan amendment for review or acknowledgment.
2. When submitting a plan amendment proposal, please print a completed copy of **Form 1** on light green paper if available.
3. **Text:** Submittal of a proposed amendment to the text of a comprehensive plan or land use regulation must **include the text** of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. **Please submit Form 1 with ALL supporting documentation.**
4. **Maps:** Submittal of a proposed map amendment must also include a map of the affected area showing existing and proposed plan and zone designations. The map must be legible, in color if applicable and printed on paper no smaller than 8½ x 11 inches. Please provide the specific location of property: include the site address (es) and Township/Range/Section/tax lot number. Include text regarding background, justification for the change, and the application if there was one accepted by the local government.
5. **Exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.
6. Unless exempt by ORS 197.610(2), proposed amendments must be submitted to DLCD's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in the Salem Office. The first evidentiary hearing is typically the first public hearing held by the jurisdiction's planning commission on the proposal.
7. Submit **one paper copy** of the proposed amendment including the text of the amendment and any supplemental information and maps (for maps see # 4 above).
8. Please mail the proposed amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ x11 green paper if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

## PROPOSED CODE LANGUAGE

### Farm Animal Standards

November 5, 2012

**9.5250 Farm Animal Standards.** The purpose of these standards is to allow for increased opportunities for residential urban farming within the city limits, while encouraging compatibility within the urban environment. For purposes of this section, farm animals shall include, but are not limited to; fowl, rabbits, goats, horses, cattle, sheep, llamas, emu, alpacas, swine, and bee hives; excluding dogs and cats. All of the following standards are applicable to the keeping of farm animals:

**(1) General:**

- (a) Except for school and church uses, all persons keeping farm animals shall reside on or adjacent to the development site on which the animals are kept.
- (b) Roosters, geese, peacocks, turkeys, and other similar loud fowl are prohibited.

**(2) Farm Animals Allowed:**

- (a) Development sites less than 20,000 square feet and located in R-1, R-2, R-3, or R-4 Residential zones, AG agricultural, and all special area zones which allow residential uses, are allowed all of the following:
  - 1. Chickens. Up to 6 female chickens over six months of age.
  - 2. Rabbits and Domestic Fowl. Up to 6 of any combination of rabbits or domestic fowl over six months of age, not including chickens.
  - 3. Miniature Goats. Up to 2 miniature goats, commonly known as Pygmy, Dwarf, and Miniature Goats, provided that they are dehorned and the males are neutered.
  - 4. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
  - 5. Beekeeping. Up to 2 hives used for honey or pollination purposes, provided that they are located 15 feet from all property lines and a water source is provided on site.
- (b) Development sites 20,000 square feet or greater and located in R-1 or R-2 residential zones, AG agricultural, and all special area zones which allow residential uses, are allowed all of the following:
  - 1. Chickens, Rabbits, and Domestic Fowl. There is no limit on the number of female chickens, rabbits, or domestic fowl.
  - 2. Miniature Goats. Up to 2 miniature goats, commonly known as Pygmy, Dwarf, and Miniature Goats, provided that they are dehorned and the males are neutered. Additional miniature goats are allowed subject to the area requirement in section (9) below.
  - 3. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.

4. Beekeeping. No more than 4 hives used for honey or pollination purposes, provided that they are located 25 feet from all property lines and a water source is provided on site.
  5. Cows, miniature cows, horses, miniature horses, sheep, goats, emus, alpacas, and llamas. Limited by the area requirement in section (9) below.
- (3) **Care of Animals.** No person shall subject any animal to cruel mistreatment or cruel neglect. This includes, but not limited to; depriving any animal of necessary food, drink, shelter, sanitation, space, exercise, and emergency veterinary treatment; abandonment of any animal; and willfully tortures and inflicts inhumane injury or pain on any animal.
  - (4) **Sanitation.** Proper sanitation shall be maintained for all farm animals at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals or constitute a nuisance, which includes all of the following:
    - (a) Disposing of animal waste matter and not allowing it to accumulate;
    - (b) Ensuring odors resulting from the animals are not detectable beyond property lines; and
    - (c) Storing all food in metal or other pest-proof containers.
  - (5) **Noise.** All persons keeping farm animals may not keep an animal that makes frequent or long, continued noise on a sustained basis during a 15-minute period shall constitute a noise disturbance.
  - (6) **Fencing.** Fencing is required and shall be designed and constructed to confine all farm animals to the owner's property. The fence type, location, and height are those required for fences in the applicable base and overlay zone.
  - (7) **Enclosures.** An enclosure is required and shall be designed and constructed to provide shelter for all farm animals. The enclosure location and height are those required for accessory structures in the applicable base and overlay zone.
  - (8) **Required Setbacks.** All structures designed and used to provide shelter for farm animals shall be located at least 15 feet from all existing residences on adjacent lots, while complying with those required setbacks for accessory structures in the applicable base and overlay zone.
  - (9) **Minimum Lot Size.** Minimum lot size of 20,000 square feet in order to keep cows, horses, sheep, goats, emus, alpacas, and llamas.
  - (10) **Area Requirement for Animals.** Minimum area of development site per animal over 6 months of age:
    - (a) Cows and horses: 10,000 square feet
    - (b) Miniature cows, miniature horses, sheep, miniature goats, goats, emus, alpacas, and llamas: 5,000 square feet
  - (11) **Harvesting.** Only chickens, fowl, and rabbits may be slaughtered on site in a humane and sanitary manner as long as it is not done in view from any public area or any adjacent property owned by another.

# FARM ANIMAL CODE CONCEPTS

DRAFT – November 5, 2012

## Overall Goal of the Farm Animal Code Amendments

Revise the land-use code to allow increased opportunities for raising “micro-livestock” within the city limits. These amendments are intended to:

- Increase the number of farm animals allowed in an urban setting
- Promote and encourage compatibility within an urban environment
- Promote the City of Eugene Food Security Scoping and Resource Plan
- Supports a strategy in Envision Eugene under the Climate Change and Energy Resiliency pillar

## Proposal for Farm Animal Standards

*Purpose:* Allow for the increased opportunities for residential urban farming, including standards addressing compatibility.

| Standard                                                        | Current Standard in Land Use Code                                                                                                                                                                                                               | Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General Requirements                                            | <ul style="list-style-type: none"> <li>• No roosters</li> </ul>                                                                                                                                                                                 | <p>Consider the following:</p> <ul style="list-style-type: none"> <li>• Require all persons keeping farm animals to reside on or adjacent to the development site on which the animals are kept, include exception for school &amp; church uses</li> <li>• No roosters, geese, peacocks, turkeys or other similar loud fowl</li> </ul>                                                                                                                                                                                                                                                 |
| Farm Animals Allowed (Less than 20,000 sq.ft development site)  | <ul style="list-style-type: none"> <li>• Up to 2 adult rabbits or fowl over 6 months of age are allowed in R-1, R-1.5, R-2, R-3, &amp; R-4 zones</li> </ul>                                                                                     | <p>Consider allowing the following:</p> <ul style="list-style-type: none"> <li>• Permitted outright in R-1, R-2, R-3, R-4, AG agricultural, and all special area zones which allow residential uses:</li> <li>• Up to 6 chickens over 6 months of age</li> <li>• Up to 6 of any combination of rabbits or domestic fowl (not including chickens) over 6 months of age</li> <li>• Up to 2 miniature goats, provided that they are dehorned and the males are neutered</li> <li>• No more than 1 miniature pig up to 150 pounds</li> <li>• Up to 2 bee hives; w/ water source</li> </ul> |
| Farm Animals Allowed (20,000 sq.ft or greater development site) | <p>The following are allowed in AG agricultural &amp; R-1 zones:</p> <ul style="list-style-type: none"> <li>• Rabbits and fowl (no limit)</li> <li>• Cows, horses, sheep, goats, emus, and llamas must meet minimum area requirement</li> </ul> | <p>Consider allowing all the following in R-1, R-2, AG agricultural, and all special area zones which allow residential uses:</p> <ul style="list-style-type: none"> <li>• Chickens, rabbits and domestic fowl (no limit)</li> <li>• Up to 2 miniature goats provided that they are dehorned and the males are</li> </ul>                                                                                                                                                                                                                                                              |

|                   |                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   |                                                                                                                                                                                                                       | <p>neutered. Additional goats are allowed subject to the minimum area requirement</p> <ul style="list-style-type: none"> <li>• No more than 1 miniature pig up to 150 pounds</li> <li>• Up to 4 bee hives; w/ water source</li> <li>• Cows, horses, sheep, goats, emus, alpacas, and llamas subject to the minimum area requirement</li> </ul>                      |
| Care of Animals   | None required                                                                                                                                                                                                         | Prohibits mistreatment and neglect of farm animals                                                                                                                                                                                                                                                                                                                  |
| Sanitation        | <ul style="list-style-type: none"> <li>• No accumulation of farm animal waste allowed.</li> <li>• No odors detectable beyond the property line.</li> <li>• Food must be stored in rodent-proof containers.</li> </ul> | <p>Clarify/strengthen requirements:</p> <ul style="list-style-type: none"> <li>• Add language regarding the purpose of the sanitation standards</li> <li>• Add language regarding disposal of animal waste</li> </ul>                                                                                                                                               |
| Noise             | No code standard in Chapter 9; Noise disturbances regulated by Chapter 4                                                                                                                                              | <p>Add requirements in Chapter 9:</p> <ul style="list-style-type: none"> <li>• Animals that make frequent or long, continued noise on a sustained basis during a 15-minute period shall constitute a noise disturbance</li> </ul>                                                                                                                                   |
| Fencing           | Shall be designed and constructed to confine farm animals to the owner's property                                                                                                                                     | <p>Clarify/strengthen requirements:</p> <ul style="list-style-type: none"> <li>• Fencing is required</li> <li>• Fencing must meet applicable base &amp; overlay zone standards related to height and setback</li> </ul>                                                                                                                                             |
| Enclosures        | None required                                                                                                                                                                                                         | <ul style="list-style-type: none"> <li>• Requires enclosure which provides shelter for all farm animals, which is roofed and at least two sided</li> <li>• Enclosure must meet applicable base &amp; overlay zone standards related to height and setback</li> </ul>                                                                                                |
| Required Setbacks | Structures that house farm animals are required to be located at least 25 feet from existing residences (except the animal owner's) and 10 feet from interior lot line.                                               | <ul style="list-style-type: none"> <li>• Structures are required to be 15 feet from residences on adjacent lots</li> <li>• Structures must meet setback requirements of base &amp; overlay zone</li> <li>• Bee hives shall be a minimum of 15 feet from property line if lot is less than 20,000 sq. ft. and 25 feet if lot is 20,000 sq. ft. or greater</li> </ul> |
| Minimum Lot Size  | No minimum lot size; except for the keeping of cows, horses, sheep,                                                                                                                                                   | No change proposed                                                                                                                                                                                                                                                                                                                                                  |

|                              |                                                                                                                                                                                                                                  |                                                                                                          |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
|                              | goats, emus, and llamas on lots 20,000 sq.ft or greater                                                                                                                                                                          |                                                                                                          |
| Area Requirement for Animals | <p>On lots 20,000 sq.ft or greater a minimum area per animal (over 6 months of age):</p> <ul style="list-style-type: none"> <li>• Cows, horses: 10,000 sq. ft.</li> <li>• Sheep, goats, emus, and llamas: 5,000 sq.ft</li> </ul> | Add minimum area of 5,000 sq. ft. for miniature cows, miniature horses, miniature goats, and alpacas     |
| Harvesting                   | Not permitted                                                                                                                                                                                                                    | Chickens, fowl, and rabbits may be slaughtered on site out of view of public areas and adjacent property |

DRAFT





## CURRENT CODE LANGUAGE

### Farm Animal Standards

**9.5250**     **Farm Animal Standards.** All of the following standards are applicable to farm animals:

**(1) Farm Animals Allowed:**

- (a) Except as provided in subsection (1)(b) below, up to 2 adult rabbits or fowl (no roosters) over 6 months of age are allowed in any residential zone.
- (b) Rabbits, fowl (no roosters), cows, horses, sheep, goats, emus, and llamas are allowed in AG and R-1. There is no limit on the number of fowl (no roosters) or rabbits over 6 months of age permitted in AG and R-1 provided they are on a development site that contains at least 20,000 square feet and they meet the farm animal standards.

**(2) Sanitation:** Proper sanitation shall be maintained for all farm animals. Proper sanitation includes:

- (a) Not allowing farm animal waste matter to accumulate,
- (b) Taking necessary steps to be sure odors resulting from farm animals are not detectable beyond property lines, and
- (c) Storing all farm animal food in metal or other rodent-proof containers.

**(3) Fencing:** Shall be designed and constructed to confine all farm animals to the owner's property.

**(4) Setbacks:** All structures that house farm animals shall be located at least 25 feet from all existing residences (except the animal owner's) and at least 10 feet from interior lot lines.

**(5) Minimum Lot Size and Area for Large Animals:**

- (a) Minimum lot size of 20,000 square feet for cows, horses, sheep, goats, emus, and llamas.
- (b) Minimum area per animal over 6 months of age:  
Cows, horses: 10,000 square feet  
Sheep, goats, emus, and llamas: 5,000 square feet

*(Section 9.5250, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*



## STAKEHOLDER GROUP LIST

### Farm Animal Standards

October 19, 2012

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Owner of Eugene Backyard Farmer  
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Met on 11/2

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Involvement & Mtg. confirmed 10/18  
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Involvement confirmed 10/25

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